THE MUNICIPAL REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the Report of the Select Committee on the Municipal Regulation Amendment Bill, and beg to move that the Bill as reported be taken up for consideration.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

Clauses 1 and 2.

The question that clauses 1 and 2 do form part of the Bill was then put to the vote of the House and carried.

The clauses were added to the Bill.

Clause 3.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I beg to move that in clause 3, for the words "*not below five per cent.*" the words *not exceeding five per cent.*" may be substituted.

Clause 3 of the Bill relates to Section 61, sub-section (7) which reads thus:—

> "Any Municipal Council.....may impose all or any one or more of the following taxes, that is to say:—...."
>
> "(7) A yearly water and drainage tax on buildings or lands or both not exceeding five per cent. of the annual value of the building or land or both upon which the tax is imposed."

The present Bill seeks to convert the *maximum* of 5 per cent. into a *minimum* of 5 per cent. The necessity for the change I propose is obvious. I believe, Sir, I would not be accused of any disrespect to this House when I say that in a responsible legislative body like this I need not advance any argument or reason in support of my amendment. I have never come across in any statute of this kind a provision like the one now sought to be introduced into our Municipal Regulation. The Law member wants to have it that water and drainage tax, whenever it is levied, should be not *below* five per cent. of the annual rental value of the house or building concerned. Before going into the merits of the question from the standpoint of the man, who has to pay, purely from the standpoint of the legislator, I may point out to the House the absurdity of the proposition. What does the provision in the Bill mean? Whenever water tax is to be livied it should not be *below* five per cent. of the annual rental of the house concerned. Suppose the Quilon Municipality, for instance, is able to devise a water supply scheme under which it would be able to work it without any loss by levying from the rate-payers nothing more than 1 per cent. of the annual rental value as water cess. The Law Member insists that *not less than five per cent. must be* levied by the Municipality.

MR. P. S. MAHOMED (*Nominated*): ഇപ്പോഴത്തെ ഉണ്ടായിരുന്നതിലിരിക്കുന്ന റാലേഷനനുസരിച്ച് എത്ര ശതമാനമാണ്?

MR. A. THANU PILLAI (*Trivandrum*): ഇപ്പോഴിരിക്കുന്ന റാലേഷനനുസരിച്ച് മാക്സിമം 5 ശതമാനമാണ്. ഇപ്പോൾ നടപ്പിൽ വരു

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[Mr. A. Thanu Pillai.]

ത്താൻ പോകുന്നനിയമത്തിൽ മിനിമമാണ് 5 ശതമാനം വച്ചിരിക്കുന്നതു്. വാട്ടർസപ്ലൈസ്കീം ശരിയായി നടത്തുന്നതിനുള്ള ചിലവുനോക്കുമ്പോൾ 5 ശതമാനത്തിനുമേൽ പിരിച്ചേതീരു എന്നാണ് ഇപ്പോഴത്തെ വകുപ്പ്. അതുപാടില്ല, അഞ്ചുശതമാനത്തിനുമേൽ പിരിക്കരുതെന്നാണ് എന്റെ വാദം.

Sir, I may be excused if I say that the provision now in the Bill looks absurd. The result of it will be this. No Municipality will be able to resort to water supply or drainage schemes unless it is prepared to levy *not less than five per cent*, of the annual rental of houses and other buildings. Is it expected of this legislative body to accord its approval to such a provision? That is the first question that I would put to my brother members here. I do not think it is necessary for me to dicuss the point further. The absurdity of it is manifest.

The next point that I wish to refer to is this. Government now want this legislative body, consisting of a majority of elected representatives of the people, to pass a law which will empower Government to do things in violation of the principles underlying municipal administration and self-government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will it be acceptable to the member if the whole provision relating to the fixing of the rate is taken away from the Bill so that it would be left to the discretion of individual municipalities?

MR. A. THANU PILLAI (*Trivandrum*): I object to that; but that is not the point now before us. I should rather say that the legislature of the country should fix the *maximum* of such cess in the interest of the State as a whole. I think we would be going too far if we trust the municipalities to that extent and give them extensive and unrestricted powers. We can no doubt trust the municipalites with *ample* powers but not with *unrestricted* powers.

Sir, I may refer to one or two passages in the speech delivered by the then Dewan-President of the Council when the present Municipal Regulation, Regulation V of 1095, was passed in 1094. This is what the Dewan says:—

> "It has been recognised that local self-government is a conscious process of the *administrative devolution* and *political education*, and the Bill has been so framed as to achieve this twofold object."

I want the House to mark the two expressions "*administrative devolution*" and "*political education*". Later on he says:

> "I avail myself of this opportunity to assure the Council, and through the Council the public, that the control which the Government henceforth exercise over municipalities will be more from without than from within-will be more *advisory* than *mandatory* and that such exercise is necessary in the interests of the ratepayers themselves."

Sir, I ask, in all earnestness, are we not going behind this declaration of policy by Government. The Dewan has clearly stated that the

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control which the Government will henceforth exercise would be more *advisory* than *mandatory*. In this Bill it is proposed to invest Government with powers which are of an absolutely mandatory character. Sir, the municipality is the best body to judge the paying capacity of the ratepayers, or the necessity for any water supply or drainage scheme. The Government, according to this Bill, want power to step in and say "You stand aside. You have nothing to do with this matter. We will have our way, our own schemes. But we will not meet the necessary expenditure for the schemes, we will ask you to divert your funds and to levy cess which may be beyond the ratepayers' ability to pay. We will compel you to do it; and you must do it." That is what the Government are now being empowered to do; and now the Law Member wants us, the non-official members to give our approval to a provision which seeks to invest the Government with such power. Sir, is it not against all standards of municipal administration and against the declared policy of the Government of Travancore. I wonder what this side of the House will say to the Law Member when he wants us to approve of this provision. I must confess that I was disappointed at the report of the Select Committee, which consists of 3 official and 3 non-official members including myself, when they passed this provision. I alone took the view that this provision should not be passed. All the other non-officials agreed with the official members in empowering the Government to compel the Municipalities to collect not less than 5 per cent. I may also submit that one of the two other non-official members happens to be an Ex-President of a municipality. I thought however that it was my duty to raise my emphatic protest against the present provision.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Suppose it is found on the actual working of a scheme that even 5 per cent would not be enough. What would the member suggest in such circumstances?

MR. A. THANU PILLAI (*Trivandrum*): I would advise the municipality to consider the paying capacity of the ratepayers before they actually put into effect of a scheme. They must consider the financial aspect of the scheme before they begin the actual working of it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): When the amendment now proposed by the member comes into effect, will it not prevent a municipality, that actually has to levy more than 5, per cent and the ratepayers who are willing to pay so much, from levying and paying more than 5 per cent?

MR. A. THANU PILLAI (*Trivandrum*): The present Municipal Regulation has been in existence so long; no occasion has arisen so far for the amendment now proposed. Sir, there may be ever so many schemes which may be of use to the public: but we must see whether the people can pay for it. That is the first consideration.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvankad*): Has your municipality stated anything in regard to the provision now under discussion?

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MR. A. THANU PILLAI (*Trivandrum*): Yes, that is my information; it is for the official members to contradict it. I am informed that the municipality has passed a resolution that the provision in the Regulation now in force should not be altered to the detriment of the ratepayers, who, in Travancore, cannot afford to pay more than 5 per cent. of the annual rental value as water cess alone.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Has the Trivandrum Municipality contributed anything towards the Trivandrum Water Supply Scheme?

MR. A. THANU PILLAI (*Trivandrum*): Sir, any member who had opportunity of listening to the debates in this Council on the last occasion would not put this question because it was stated, clearly and definitely, that the municipality does not contribute anything. Merely because the municipality does not contribute does it mean that any amount can be levied from the people of the municipality? Is that the necessary corollary? I cannot see the logic of the proposition.

MR. A. S. DAMODARAN ASAN (*Mavleikara* cum *Kartikapalli*): I merely wanted an answer to my question.

MR. A. THANU PILLAI (*Trivandrum*): The Government members told us candidly last time that Government decided to carry out the scheme.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did not the Government members then say that the Triandrum Municipality requested the Government to start a water supply scheme?

MR. A. THANU PILLAI (*Trivandrum*): True; but it was also admitted on behalf of Government that they did not place the scheme before the municipality in all its aspects, especially the financial aspect of it. They did not ask the municipality what the ratepayers would be able to pay. They did not even inform the municipality what payment they expect from the ratepayers. Facts and figures were not placed before the municipality. All that the municipality said was that they wanted good water. That does not mean that the Government may spend any amount they like, import any number of costly pipes they like even years before they were actually required and charge the municipality also the interest on the huge outlay on the pipes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Was the municipality aware of the fact that the work was being conducted?

MR. A. THANU PILLAI (*Trivandrum*): Sir, does the Law member seriously put to me the question whether the Trivandrum Municipality was aware of the work done by the Water Works Department?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I take it that the only representative of the only municipality in Travancore which is represented here is not able to answer my simple question?

MR. A. THANU PILLAI (*Trivandrum*): Sir, even a child in Trivandrum knows that the work is being carried on.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I ask the further question whether the municipality protested or asked for information as to the financial aspect of the scheme, from the Government?

MR A. THANU PILLAI (*Trivandrum*): It is for the Government to give us the necessary information.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I take it that the member is not aware whether the municipality protested or not?

MR. A. THANU PILLAI (*Trivandrum*): Why should the municipality protest?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member kindly answer my question?

MR. A. THANU PILLAI (*Trivandrum*): The municipality when they found the Government carrying on the work, naturally thought that the Government were prepared to meet the expenditure. At any rate, we never expected that the municipality would be asked to contribute. Personally, I admit I do not know what actually transpired between the municipality and the Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I take it that the only representative of the only municipality in Travancore which is represented here did not care to ascertain facts about this important matter?

MR. A. THANU PILLAI (*Trivandrum*): Sir, I do not understand the emphasis laid by the Law Member on the only representative of the only municipality in Travancore represented here. I admit I happen to be such a representative. But I am not able to see his point. Anyhow I do not wish to stress that point further.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it the member's point that the municipality could not be expected to have any objection to a drainage and water supply scheme graciously conferred upon it by the Government?

MR. A. THANU PILLAI (*Trivandrum*): That is just my point. Government very graciously, very generously launched upon the scheme so useful and necessary for Trivandrum. Why should the Municipality come forward and say "You should not do it; it is none of your business."

MR. S. KRISHNA PILLAI (*Karunagapalli*): Was the member aware before the scheme was started, that the municipality would be asked to contribute something towards the scheme either in a lump or by way of a cess?

MR. A. THANU PILLAI (*Trivandrum*): On the contrary I am aware that the Government did *not* make any such demand.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What was the position of the municipality in regard to the rate of assessment when the scheme was started?

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MR. A. THANU PILLAI (*Trivandrum*): That is exactly the real point that I want the House to consider now. The *maximum* of assessment permissible was only 5 per cent. when the work was started. Government ought to have brought forward the present amending Bill before they decided upon the scheme. The questions put by the Law Member do not lead us anywhere. I do not see his point.

Anyhow, Sir, in the interest of municipal administration in Travancore not only in Trivandrum but throughout Travancore, I should strongly protest against the provision in the Bill. I want to emphasise the fact that this Bill is not to affect the Trivandrum Municipality alone. It affects all the municipalities in the State. My friends, I submit, must remember that fact. I submit it would be a great mistake if they lose sight of it simply because it is only the people of Trivandrum that are going to be *immediately* affected by it. It is the wording of the provision that the House must consider.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Did the municipality express its views at the Select Committee stage of the Bill?

MR. A. THANU PILLAI (*Trivandrum*): I do not know that definitely.

Coming to the actual details of the position, on a calculation, Government say that a cess of 9½ or 10 per cent. would have to be collected. But, no accurate figures are forthcoming. Further, when this Bill was introduced we were told that we would be getting water within 1108; but as things stand at present, considering the progress of the work, I do not think that would be possible.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Has the member any idea as to the money now spent by the people of Trivandrum for getting water for their use?

MR. A. THANU PILLAI (*Trivandrum*): We get water from our wells. I do not think it involves any expenditure in a large majority of cases.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Servants are maintained in every house, I suppose for drawing water.?

MR. A. THANU PILLAI (*Trivandrum*): It is only the high-paid officers and other rich people that maintain servants for this purpose. The majority of the people of Trivandrum, most of the people living in Manakad, Peruntanni, Nandankode and other places, are poor and they do not spend anything now for their water. It is a great mistake to suppose that the majority of the people in this town are rich enough to employ servants.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the municipality now spend anything for the supply of water for their needs?

MR. A. THANU PILLAI (*Trivandrum*): I admit that a small amount is being spent now by the municipality just for a few months in the year during hot weather.

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MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*) : Does not the member think that drawing water is a good exercise for our women, girls and boys?

MR. A. THANU PILLAI (*Trivandrum*) : That is for a doctor like my friend to say.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : At least to give our women some relief, should we not be prepared to pay not less than 5 per cent. as water cess?

MRS. ANNA CHANDI (*Nominated*) : Was there any deputation from the ladies of Trivandrum to the Law Member or to the Government for relief from drawing water from wells?

MR. A. THANU PILLAI (*Trivandrum*) : I do not know what has transpired between the ladies of Trivandrum and the Government or the law member.

MRS. ANNA CHANDI (*Nominated*) : May I assure the member that there was none?

MR. A. THANU PILLAI (*Trivandrum*) : I am very glad to know that. Our ladies do want some exercise at home, Sir, unlike ladies in the West who, by temperament, training and custom, freely take to outdoor exercise, and they do their household work quite willingly.

Sir, I consulted several people in Trivandrum, as to what they would consider a reasonable rate of water cess after pipe water is supplied to the town. They are all surprised and ask me "Are we to pay for it? We do not spend a pie for water now." I know for a fact that, in most cases, even the present 2½ per cent. municipal house tax many people in the town find it difficult to pay. The real condition of the people of Trivandrum should not be judged by that of the officers living in the town or other rich people. But good water is needed not only in the interest of the Trivandrum citizen, but in the interest of the citizens of the State as a whole. It is also for the people who come here from Muvattupuzha, Todupuzha, and other places; boys and girls who study in our colleges and people who stay here, and for people who come to attend the meetings of the Legislative Council and of the Popular Assembly and people who come here for business in the High Court. It is in the interests of all the people in the State. It is in the interest of the health of the whole people of the State and not of the people of Vanchiyoor or of Peruntanni alone. If the Government spend out of the State revenue, my friends should not, therefore, grudge it. If necessary, some items of unnecesary expenditure should be cut down for this purpose. There is no meaning in asking a man who happens to own a house in Trivandrum to bear the burden. I think I have made my position clear. I again request the members on this side of the House to bear in mind the fact that the present attempt of the Government is to compel these municipalties and other representative bodies to pay against their will. Government want them to pay whatever they want them to pay. Let the elected

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[Mr. A. Thanu Pillai.]

representatives of this House take note of that. The existing Regulation gives ample powers. Under it the municipality alone has the power to work a water supply scheme. Now Government take that power. I have no objection to that. But if Government do so they should meet the cost. Let these facts be borne in mind by members on this side of the House. The measure is not for the Trivandrum town alone but for the whole State. It involves a very great principle.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Has the member any idea of water rates in other places?

MR. A. THANU PILLAI (*Trivandrum*): Varying rates prevail in different places. The Chief Secretary told us that in some places it is 4 and in some 4½ per cent. It is for the Government to provide the figures because it is they who want to change the existing law.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Will a man at Parur get the same rent for his building as a man in Trivandrum?

MR. A. THANU PILLAI (*Trivandrum*): I do not say that they can get the same rent as here. But perhaps in Parur, houses may fetch a higher rent than in some parts of Trivandrum. I can show my friend houses here to which access is by long lanes. Such houses here will fetch a lower rent than in Parur.

PRESIDENT: You are wandering from the point.

MR. A. THANU PILLAI (*Trivandrum*): Yes, Sir, because a question was put to me whether houses in Parur will fetch the same rent as houses in Trivandrum.

I do not wish to speak further on this. I leave it to the House to consider whether they will be justified in supporting the provision of the Bill.

PRESIDENT: Anybody supporting the amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, in opposing this amendment, I must reiterate what I said at the introduction of the Bill that although the provisions of the Bill are worded generally to apply to all municipalities, I have really no objection to make it apply to the Trivandrum Municipality alone. I have also explained that Government undertook a large water supply scheme costing a huge amount mainly on account of the request of the Trivandrum Municipality conveyed by means of a resolution forwarded to Government, and also by a representation made by the Trivandrum Municipal Council Representative at the Sree Mulam Popular Assembly.

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MR. E.V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): May I hear the wording of the resolution sent by the municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got the text of it now. I think I read it on the last occasion.

So, the real object of Government was to make some special provision relating to the Trivandrum Municipality not that the other municipalities do not stand in need of any special provision in regard to water supply. Only the immediate occasion was to make some special provision in regard to the Trivandrum Municipality. I also said that Government had in view a general amending law in regard to the municipalities of the mofussil towns; In fact the City Municipal Bill has already been published by the Government and the Mofussil Municipal Bill is under preparation. Both these Bills will be introduced before the legislature. Until these Bills become law we must have some law in force particularly in view of the Trivandrum Water Supply Scheme. Hence the present Bill. This is really intended to apply to the Trivandrum Municipality alone. If any body feels any apprehension that it may be applied to other municipalities also, I am prepared to accept an amendment that it shall not be applied to other municipalities.

MR. RAMA VARMA RAJA (*Edavagai*): അതു തെളിച്ചു പറയണമെന്നാ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അതു പറയുവാൻ പോവുകയാണു്.

No body need think that before the next Bill is introduced and passed this measure will be applied to any municipality other than Trivandrum.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether there is anything preventing a municipality from introducing a water supply scheme to that municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether this statement now made in view of the provision of the Bill is merely to secure votes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have already stated that I am prepared to accept any amendment that this provision shall apply to the Trivandrum Municipality alone.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Has not the Alleppey Municipality agitated for a water supply scheme?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They have moved Government to that effect.

Members need not be under the impression that this is intended to apply to municipalities other than the Trivandrum Municipality.

MR. A. THANU PILLAI (*Trivandrum*): What objection has the member in accepting my amendment in regard to other municipalities?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are now considering only about the Trivandrum Municipality.

As already stated, on a representation made by the Trivandrum Municipality, Government undertook a large water supply scheme which is likely to cost between 46 or 47 lakhs of rupees, and the work is nearing completion and perhaps water will be supplied in the course of this year. It is only natural that provision should be made to collect a water cess. As a matter of fact, the municipality must be prepared for a minimum of five per cent. because Government have undertaken a costly water supply scheme; and the House knows what the working expenses will be. The working expenses, at a very conservative estimate, would come to 1 or 1½ lakhs of rupees per annum. The house tax at present amounts to Rs. 23,000 per annum at 2½ per cent. Unless we got one lakh of rupees we would not be able to meet the working expenses. We do not now ask the people to contribute towards the capital outlay or the interest on it. The working expenses come to one lakh odd per year and the Trivandrum Municipality will have in order to pay for that impose a tax of not less than 5 per cent. of the annual rentals. It is not that the premier municipality should be subjected to the yoke of the Government. It is infact necessary that the municipality should impose a tax of not less than five per cent.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If the Government are convinced that seven per cent. taxation is necessary, are they not empowered under the Bill to impose that rate of cess?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No less than 5 per cent. will be required. When Government know it it is only fair that they enact that the municipality should impose that tax.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether the statement that the working expenses will come to only a lakh of rupees is deliberately made and that tax need be imposed only to that extent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not understand the question. Will the member repeat the question?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The Law Member said that it is not the intention of the Government to impose upon the municipality any tax as contribution towards the outlay or the interest on it, and that only one lakh of rupees would be required for working expenses. Do the Government intent to tax only to that extent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall explain that. Government have not come to any decision as to whether the municipality should pay a portion of the capital cost or not. This one lakh or so will cover the working expenses only and the minimum of five per cent is fixed for that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Granting that one lakh is required for working expenses, how is the Law Member sure

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that not less than five per cent. would be required to meet it. On what basis has he made that calculation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : When a 2½% taxation now yields Rs. 23,000 double of 2½ *i. e.* 5 per cent will yield Rs. 46,000, or Rs. 50,000 at the most.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Is there any objection in fixing the maximum also?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Unless the maximum is fixed very high I should object to it.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Approximately what will be the maximum?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Perhaps some 15 or 20 per cent. I may say that there is very great objection to the maximum being fixed unless it is fixed very high. In any event I am not agreeable to Mr. Thanu Pillai's amendment "*not exceeding five per cent*" If the House wishes that the words "*not less than five per cent*" should be taken off so that there would be no minimum or maximum, and it would be left to the discretion of each municipality I have no objection to that.

But I cannot accept Mr. Thanu Pillai's amendment. I must also say that the House must consider the actual facts of the situation. It is Government that started this work, and therefore Government should have the power to work the supply themselves. And if they have power to work the supply, the cost for working such supply has to be found. And they must ask the municipality to pay for it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : If this provision is intended to apply to the Trivandrum Municipality, is there any difficulty for the Government to make the necessary calculations and fix the percentage once for all?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Then they will be going too much into the details. They will declare only the maximum. In determining the amount necessary now and for the immediate future, all that will be too much for the purpose of making provision in the amendment Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether Government intend that the full amount required for the working expenses should be realised by way of tax from the municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, that is the view of the Government at present.

MR. A. THANU PILLAI (*Trivandrum*) : May I know what it is that the Government really propose to levy if they succeed in getting this provision accepted by the House?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Government do not propose to levy the full tax themselves, of course.

MR. A. THANU PILLAI (*Trivandrum*) : What is it that the Government will ask the municipality to levy if this Bill becomes law?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What the Government will do is to ask the municipality to

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supply a lakh of rupees or so. The municipality will be enabled to find that money by taxation.

MR. RAMA VARMA RAJA (*Edavagai*) : അങ്ങിനെപറയുന്ന സമയത്തു അതുടാക്ക് ചെയ്യാൻ വയ്യാ എന്നു മുനിസിപ്പാലിറ്റിയിൽ നിന്നും പറയുകയാണെങ്കിൽ എന്തുചെയ്യും.?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) :അങ്ങിനെ മുനസിപ്പാലിറ്റിയിൽ നിന്നും പറയുന്നതു ന്യായമാണൊ?

MR. RAMA VARMA RAJA (*Edavagai*) : മുനസിപ്പാലിറ്റിയെകൊണ്ടു സാധിച്ചില്ലെങ്കിലോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഞാൻ മുമ്പു പറഞ്ഞതൊക്കെ ആലോചിച്ചശേഷം വേണ്ടുവണ്ണം ബഡ്ജറ്റിൽ ചേർത്തു ഈ സഭയിൽ കൊണ്ടുവരും; ഈ സഭ സമ്മതിച്ചാൽ മാത്രമേ അതു നടപ്പാക്കുകയുള്ളു.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, what I wish to know is whether Government are in a position to tell the House the maximum percentage of the annual rental that they would undertake not to exceed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government will not ask the municipality to give two lakhs of rupees. Government will only ask for whatever is necessary. Government will ask them to contribute a lump sum to cover the working expenses when they make the supply.

MR. A. THANU PILLAI (*Trivandrum*) : In view of the amount that Government would ask the municipality to contribute, I want to know what would be the percentage which would not be exceeded ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Government cannot give any undertaking on that point; Government will ask the municipality to contribute a sum which will be settled after negotiation with the municipality. I am prepared to consider any amendment which will fix neither a minimum nor a maximum. As it is, I have to oppose Mr. Thanu Pillai's amendment.

MR. A. THANU PILLAI (*Trivandrum*) : Sir, while we are on this amendment I want to get cleared certain points by the Law Member. The Law Member has told the House that this provision is intended almost exclusively for the Trivandrum Municipality, because on a rough calculation it was found that not less than 5 per cent. of the rate fixed here will be found necessary for the working expenses of the Trivandrum Water Works. Just to save the other municipalities from this arbitrary fixing of the rate, he has assured the House that he would drop the amendment in regard to the other municipalities. In that case, I do not know how far he will succeed in fixing the limit. Unless it be that he has consulted the various municipalities concerned, it will not be possible for him to fix the percentage. It was on a pure

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calculation that he found that the Trivandrum Municipality will have to be called upon to levy the rate specified in the Bill. Suppose the Alleppey Municipality finds it convenient to carry on a water works scheme and also to supply the necessary water for the ratepayers there at a rate, say, of 2 per cent. and the Quilon Municipality finds it convenient to levy 10 per cent. will it be possible for them to do so?

The rates differ according to the various municipalities that engage themselves in working a scheme. So we are not in a position to speak for or against his amendment unless the Law Member brings forward the amendment he has promissed to frame in regard to this provision.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Sir, I have to say a word on this subject. The Bill as reported by the Select Committee, —

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is the member for or against the amendment?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I am speaking upon the amendment. The member could hear me and come to his own conclusions. The Bill as drafted by the Select Committee fixes a minimum percentage. This House is asked to pass a legislation which does not fix a maximum. This is a Bill which wants to tax the people and we the representatives of the people should not give the Government and the municipal council unrestricted powers to impose any tax they please upon the residents of the municipality or the subjects of the State. On that ground, I think this 5 per cent. minimum suggested in the Bill should not be accepted. But I am unable to accept Mr. Thanu Pillai's amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know whether he will accept the next amendment which stands in my name?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): After hearing the member, on his amendment I will be able to say that.

Mr. Thanu Pillai wants it to be 5 per cent maximum. Sir, I am one who holds the view that we should not tax the poor people in the country parts for the benefits of the people in the town. So it is not proper to ask the general taxpayers to pay for the comforts of the people in the metropolis. Mr. Thanu Pillai was saying that people in the country parts also enjoyed the amenities in the Trivandrum Town. The Trivandrum people need not pay for that. There are so many advantages which are derived by the people of the metropolis which are not enjoyed by the people in the mofussil and so I do not think that we could compare the position of the people here with that of the people in the country and say that the people in the town deserve support or deserve to be benefited exclusively at the expense of the people in the country.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Will the member concede that the expenditure voted upon during Budget time for the various taluks of this State are in proportion to the income derived from those taluks?

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not say that. That must depend upon the needs of the particular locality.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): In that case, if some more income is derived from the Trivandrum town or from the Trivandrum taluk will the member be prepared to concede that no other taluk should make a demand upon that income?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not say anything like that. Probably the member has not followed what I was saying. I am sorry.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What would Mr. Asan have said if the Trivandrum Municipality kept cholera nurseries for the benefit of the Mavelikara people?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I do not know anything about that. If the learned doctor will explain that, I will be able to answer him.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Will he pay from general revenues the salaries and other charges of the surgeons and staff deputed for plague duty at Peermade and outside Travancore?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The State will pay.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): And not the people of Peermade?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The State will pay.

If this 5 per cent maximum is to be fixed by the Government, my fear is that it will handicap the progress of other municipalities as well. As far as the Trivandrum town is concerned, Government have invested a large sum of money. They could not retract from that. The people of Trivandrum have not undertaken to pay the interest and working expenses of the water supply scheme. Because they have not undertaken to pay that, they are not bound to pay that. But if this 5 per cent is fixed, I fear Alleppy and other municipalities will be unable to launch upon any water works scheme. This House should hesitate to sanction such a provision. It is not in the interest of other municipalities to have a maximum.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law member has undertaken to draft an amendment to that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What I am saying is that it is not advisable to accept Mr. Thanu Pillai's amendment.

MR. A. THANU PILLAI (*Trivandrum*): Am I to understand that the member is saying that a maximum *should be* fixed or that it *should not be* fixed?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If the member had heard my first sentence he could have understood

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that I stated that Government should not be given unrestricted powers to impose taxes upon the inhabitants of this municipality or the subjects of this State.

MR. A. THANU PILLAI (*Trivandrum*) : Does he say that a maximum should not be fixed ?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I have already stated my views about that. But I think this 5 per cent. maximum, if passed by this House, will be unfair to the State as a whole and will work detrimentally to the progress of other municipalities. So, what I have just to say is that Government should fix the maximum. Let it be 20 or 25 per cent. I do not say anything about what the maximum should be. That will depend upon the investment they have to make and other circumstances. But a maximum should be fixed. We, the representatives of the people would not give Government unrestricted powers of taxation over these municipalities.

PRESIDENT : Before you go on, I would like to ask Mr. Thanu Pillai what he thinks about the suggestion of the Law Member ?

MR. A. THANU PILLAI (*Trivandrum*) : There is no specific offer made, Sir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I said that I will cut off the 5 per cent minimum.

MR. A. THANU PILLAI (*Trivandrum*) : While he is prepared to cut off the minimum of 5 per cent, the Law Member seems to lay emphasis on the provisions of the proposed Section 199 (3) which reads thus :

> "Notwithstanding anything contained in sub-section (2), it shall be lawful for Our Government to work the Government water supply system through their own officers, and in such cases an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the Municipal Council shall be paid by the Council to Our Government."

He laid emphasis on that provision and he said that Government will be making use of that provision. Whatever the municipality collected it will be asked to divert its funds for making this contribution. Then I put this question what proportion to the annual rental that amount will bear. He said he is not in a position to tell the House. That is his position. I do not see any good in accepting this proposal. I would rather see that my amendment is lost and the Trivandrum and other Municipalities pay not less than 5 per cent. than accept his statement. If he is not prepared to fix a minimum I am not prepared to accept his proposal either.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, one word in explanation of Mr. Thanu Pillai's amendment. So far as I have been able to understand, the proposed Bill contravenes one of the fundamental rules relating to the power of taxation that is conferred upon municipalities. A reading of Section 61 would clearly establish this fact. The Municipal Regulation was enacted for the purpose of conferring autonomous rights on local institutions. The power of taxation is a sovereign right and it is sought to be delegated in some

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[Mr. S. Krishna Pillai.]

cases to municipal councils. Section 61 deals with this right and with the question of delegation of the power of taxation. The Government thought that municipal councils should be given the power which is subject to certain well-regulated rules, a power which is fixed within well-marked limits. An unlimited power of taxation conferred upon a municipality was considered at the time this Regulation ws passed to be unsafe and I am now not in a position to say that that position has in any way been altered. Section 61 is very clear on this point. Except in regard to the power of imposing taxes on buildings and lands where the minimum is fixed, in every other case, that is in clauses 1 to 7 the legislature has thought it fit to limit the maximm. Under clauses 2, 3, 4 and 5, they have put a schedule which says what shall be the tax which will be imposed under various conditions. In fact, clauses 1 to 7 fix the maximum amount of taxation. Now. any piece of legislation which seeks to cut at the root of this principle has to be very strenuously opposed. It is on this ground that I now seek to support Mr. Thanu Pillai's amendment.

The learned Law Member made two alternative proposals; one was that he had no objection in putting in an amendment which would show that this law applies only to the Trivandrum Municipality. The second was that the Travancore Government without taking into consideration the actual cost of working out a scheme like this without understanding what exactly is the rate at which the citizens of the Trivandrum Municipality will have to be taxed, embarked upon an undertaking which has cost them a pretty good amount.

The Government, after having spent this amount, now find themselves faced with an inconvenient clause (7), Section 61. Therefore. the Law Member representing Government comes forwarded to this House with an open mind and says thus. "We now propose to take the Legislature into our confidence. We do not want to keep anything out of your understanding. We now come forward to lay before you the blunders committed by us. We embarked upon a scheme without looking into the actual working expenses. We never bestowed thought on it and hence the blunder," And so, he pleads that the Legislature should come to their aid and that this is the fittest time for them to openly confess their wrongs. If we did not go to their rescue then the Government stand to lose. When such an argument is advanced, it has a tendency to bring into prominence the poor countrymen's cause with greater emphasis. I am certainly not in sympathy with the poor countryman's cause in this particular case, because he will be the worst affected in this particular instance. If as, Mr. Asan says, a poor countryman is to be taxed for the comforts and amenities which others enjoy, I can understand the correctness and the exact importance of that argument pleaded on behalf of a poor countryman. If he were to come to Trivandrum, and, as Mr. Madhavan Pillai put it, to be bred from the cholera nursery in the Trivandrum own, I suppose he will take it to his village and cause a lot of

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mischief to the poor villagers. He is there without proper medical aid and proper funds to help himself in a very bad predicament. Rather than face that catastrophe, he will also contribute a small portion. I am not very much enamoured of the poor countryman's argument. The blunder that the Trivandrum Municipality has committed so far as I have been able to see in this connection, is that the Government undertook this business without reading and understanding what Section 61 meant. When the municipalities were constituted, the right to impose taxation was given to them with the sanction of this House. At that time, they ought to have thought not to embark on such schemes without calculating the actual working expenses. To come forward and now say that they are helpless and that a power should be conferred upon the Trivandrum Municipality, *viz.*, the right to impose a tax beyond all limits, that, I say, Sir, should never be conferred upon it. The policy of the legislature has always been to lay the maximum tax that could be imposed on a citizen. The amendment now under discussion breaks that rule fundamentally. This Bill as it stands now fixes a minimum and not a maximum. That should never be permitted. The obvious injustice of the amendment is this: the Trivandrum Municipality is asked to levy a tax, the minimum of which is fixed. Then it can be asked to collect up to 100 per cent. or 200 per cent. or even 1000 per cent. of the rental value of the land and buildings. It is on that basis taxation is sought to be imposed. But the Law Member said that the Government are taking the Legislature into their confidence. I asked him whether he could not take the municipality into their confidence. Well, here is a scheme started for the benefit of the Municipality and as such the municipality should do all it can to promote the beneficent effects of the scheme to the people in the locality. The Law Member assured us that with the 2½ per cent. collected on the value of Land and buildings in the municipal limits, the working expenses could not be met. I asked the Law Member and the Government whether they have no confidence in the municipality. They simply said that Government will carry on this work. The municipality which was consulted said that it will not contribute more than 2½ per cent. We know as a matter of fact that the Government have spent enormous sums of money on this account. They are now driven into a position out of which they cannot escape and therefore cannot but carry on their work. In that circumstance, is it reasonable on the part of the Trivandrum Municipality to say that they can contribute only 2½ per cent and not more. That is the point raised by Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): In that case, where can they find funds to pay if the municipality has not got sufficient funds?

MR. S. KRISHNA PILLAI (*Karunagapalli*): That is why I say why a maximum that has to be paid by a municipality should be fixed and not a minimum.

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MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Is it under the existing Regulation you want to enact such an amendment?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes, under the existing Regulation. I ask the Law Member instead of fixing a minimum, why not fix a higher maximum within which the municipality may be empowered to impose a tax. Instead of taking the Legislature into confidence, why not take the municipality into their confidence?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): If Government take the Trivandrum Municipality into confidence how can they ask the Trivandrum municipality to contribute towards the expenses incurred by Government. Where and what is the Section under which that municipality can enhance taxation?

MR. S. KRISHNA PILLAI (*Karunagapalli*): No taxation has yet been fixed. The Trivandrum Municipality has been given the power to impose a maximum of 5 per cent. If the Government think, and if they say that they are coming to us with an open mind to confess that the present Water-Supply Scheme would not work with even 5 per cent. maximum taxation; and that it shall be raised to 10 or 20 per cent. for realising which Government want power to force the municipality to resort to a taxation without any limit, I must say that that is an ordeal which no person, living within the Trivandrum Municipality and who will hereafter live, could face. Same is the case with regard to other municipalities as well. I would protest against this power of unlimited taxation that is to be conferred upon a municipality. Instead of taking the House into its confidence, now, to say that an extraordinary power should be vested on the Trivandrum Municipality so that it, in turn, can force its hands upon its citizens by way of imposing a heavy tax as it deems fit—that is a very sorry plight. I would certainly request every member to stand forth and say that no municipality, much less the Trivandrum Municipality, shall be given power to impose unlimited taxation upon a people who are now living and who might hereafter live. That power should never be conferred upon a municipality, whether it may be in the interests of the Government or the governed. Any unrestricted power of taxation should not be conferred upon any municipality. Instead of saying that the municipality shall have a minimum of 5 per cent. rate fixed or an unknown maximum right of taxation, let the Law Member or Government, if fair-minded, come forward with a proposal in regard to working expenses for the Trivandrum Municipality. If they think after actual working, that 20 per cent. is reasonable, or is necessary we can then realise that the Government are coming forward with an open mind. They have not done anything like that. Here is a ruse that is now brought to us. Government want all the non-official members to be dragged into the trap and fall in with their views, because Government are unable to finance the scheme. With regard to this matter, to say that the non-official members of the House should agree with the Government and help the Government in wriggling themselves out of

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the situation which was created by their own thoughtlessness and want of foresight, I would emphatically support Mr. Thanu Pillai's amendment and say that no legislation should confer upon any institution the right to impose a taxation without any limit.

MR. P. S. MAHOMED (*Nominated*) : മിനിമം തീർച്ചപ്പെടുത്തണമെന്നതെന്തേ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : It may be possible. I find from Section 61, sub-clause (1) there is a minimum of $2\frac{1}{2}$ per cent. fixed. All that I want to say is that a maximum must be fixed; it does not matter whether it comes to a higher percentage. It seems to me to suggest that not below such and such a percentage should be fixed; it contravenes the rudimentary principle of legislation regarding power of taxation.

MR. K. GEORGE (*Chief Secretary to Government*) : The member said just now that it is opposed to all principles of taxation. May I draw the attention of the member to the corresponding Madras legislation?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I have no fancy for Madras legislation. I am certain that the Madras legislation has committed its own blunders. The Bombay legislation has its own blunders. I am quite certain that even the English Legislature has committed blunders. In those cases, they have rectified, repealed and even re-enacted them. In the same way, if we are convinced of the correctness of our principle, we need not look up to what Madras has done, what Bombay has done and what other country has done.

MR. K. GEORGE (*Chief Secretary to Government*) : But, is it not supposed that very often, we legislate upon British India model?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I have been very much impressed with that propensity on our part to copy down legislations passed by other legislatures. But, I say, if this House is able to propound its own theories and principles and if we accept the soundness of those principles we must certainly act according to them. If you think, that, because your Sister State has adopted such and such a law, that is no reason why we should also do it and thus fall into their track. I have suggested what I thought would be best, under the circumstances. If it is acceptable to this House, I request that this may be agreed to.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May I know from the member is there any parallel anywhere in British India ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I am not very much enamoured of parallels. It is not my duty either to quote parallels. The Law Member ought to have drawn our attention to parallels existing in other constitutions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I want a definite answer to my point, Sir?

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MR. S. KRISHNA PILLAI (*Karunagapalli*): I am not bound to give him an answer to that. When we questioned him and attacked him, certainly, he ought to have come to us and said, here is an enactment for such and such an area, in Bombay, which is working smoothly. Here is something in British Baluchistan which works smoothly .Here is a third one,adopted by the Sultan of Ashandy, which is working very perfectly." Then, we certainly could have accepted that. In the absence of any such data, what is the use of asking me a question? I am certainly not bound to look up for parallels in the world I have stated what I have studied and understood and what is best in the circumstances.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then why do you say that it is opposed to all fundamental principles of taxation propounded elsewhere?

MR. S. KRISHNA PILLAI (*Karunagapalli*): That is my view of the matter which I hope is correct.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I rise to support the amendment moved by Mr. Thanu Pillai. Sir, I regret that a very unnecessary tactics seems to have been adopted here to divide the House on the principle of country interests and town or capital interests. I very seriously object to that. I do not look upon this amendment as a man coming from outside the municipal limits of Trivandrum. But we have to look at this question from the general point of view of a tax-payer, whether he be within the municipal limits of Trivandrum or elsewhere. What affects the Trivandrum Municipality to-day, nobody can assure, will not fall to the lot of other towns and municipalities. One question has been very pertinently raised by Mr. Thanu Pillai and that has been significantly omitted by the Law Member. That was as to the capacity of the tax-payer to pay. That was not given consideration at all in this debate. The only point of view drawn for the attention of the House by Government is this, "so much has been spent, there is so much of working expenses; we have to get the money; we have to fix a percentage and realise that money." But you might have embarked upon an extravagant scheme, a very extravagant one, and you might have done it at the instance of the municipality which in turn might not have calculated the full effect of the demand that they were making. They may have agreed to it. The Government without considering this paramount question of the capacity of the tax-payer, might have invested money and committed the mistake. On account of that fact, we are not here to enact a draconian piece of legislation and say that whatever might be the capacity of the tax-payer alright you fill up our purse to satisfy the expenses that you have to meet with annually. That cannot be done. I have been ever of the strong opinion that people who enjoy the amenities should pay as much as they could, adequately consistent with their economic position. I am not quite sure whether 5 per cent. is the maximum capacity that the Trivandrum Municipal tax-payer could pay for the amenities that he will be enjoying as a result of the introduction of the

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water works scheme. That is a different matter. But as it is, the only question that we have to answer with regard to this amendment is, whether the Government can be allowed to have 5 per cent. fixed as the minimum or should we fix some maximum. I think there cannot be any difference of opinion with regard to that. If the amendment comes to the effect that a slightly higher percentage would not be a hardship on the citizen of the Trivandrum Municipality, I am prepared to vote for a higher percentage. I am not for making the general tax -payer pay for all the luxuries of the town dweller. But I am not also restricting myself to that narrow view, that all the amenities and luxuries of the town should be provided by the town dweller. That is an imposible position and I think it is a very short sighted view of things. Nobody in this House would fail to consider, when he discusses this question of importance, that he is returned by a rural constituency and so ought to look at it from the view point of a Travancorean and in the intrests of the whole State. If we follow the civilization at present adopted we cannot do away with towns. Towns have to be maintained on a higher cost. We have to find money for that from contributions made from the general tax-payers. If some of my friends like Mr. Gopalakrishna Pillai opposes it on another principle that all the civilization is wrong (laughter, from the non-official benches) and that we ought not to go in for such luxuries but have to look for minimum needs, that is a different point. I cannot understand anybody who accepts the present state of affairs saying that the rural parts will not pay anything for the town. If any man coming from the rural parts will pay whatever he can, I think, Government will never be able to extract vast sums of money that they have spent in the capital of Trivandrum from the town dweller who may or may not be responsible for it. In many cases he is helpless. It is not after getting the consent of the town-dweller that the Government launched such a big scheme. It is true Government proposed of their own accord such a big scheme for the consideration of the municipality who in turn requested its members to consider the scheme. But I am not sure whether they were appraised of the consequences of the financial venture and that they may have to pay back the amount for expenses that Government have incurred from the general tax-payer's money.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to take it that he is agreeable to the maximum rate being fixed?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Then does not the member know, that the Government have not at present the exact calculation which will enable them to fix a minimum?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): They should make the calculation now and if found wanting, that can be enhanced.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does not the member think that in view of the working of such a scheme as this the Government may call upon the tax-payer to pay the expenses incurred which could not have been foreseen?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon*): All that is likely. But I want to press on the attention of the House one paramount question and that is, the capacity of the tax-payer to pay. Government should take that into consideration and arrive at a reasonable conclusion as to the extent to which the general tax-payer should pay.

What I want to press upon the attention of this House is the capacity of the tax-payer. What have the Government to say on that point? The working expenses come to a large sum. That money should be realised from the people here. Government have launched upon an extravagant work and ask the tax-payer to pay. Now, I have to submit that they should undertake such business only after ascertaining the capacity of the tax payer. They ought not to crush the people like that. If they have committed a blunder like that, why should, the representatives of the people, fix the burden on the Trivandrum tax-payer alone. The only possible way, of rectifying the mistake now suggested is to share the burden among all the people. I do not think that members should yield to the tempting bait now thrown to this House that the Trivandrum Municipality alone is intended to be affected now. It is all quite good. But we should not get divided on that score. The bait has been thrown, and we should not swallow it. That is my position. The capacity of the tax-payer of the Trivandrum Municipality is a matter of paramount concern that has to be considered; and if Government are not prepared to give an adequate answer with regard to that, I do not think we will be justified.....

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it the opinion of the member that the present amended Regulation is intended only to Trivandrum?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Do not my observations so far refer to the compromise held out by the Law Member?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member know that Mr. Karayalar was not here when the Law Member made the compromise?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I am not quite sure; I thought he was here.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is the considerations of the present Regulation to be narrowed down by any compromise that the Law Member has held out?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I do not think, Sir, it is fair for the Law Member to try to win the votes of the House by telling us that the Bill is intended to be applied to Trivandrum alone. That is my position. The House should not be divided. We should not swallow the bait. Are we not also responsible to the voters who have sent Mr. Thanu Pillai as a representative of the only municipality that sends its member to this House? I do not think that we should lay ourselves to be drawn away like that. Dwelling in town is not a crime, and the town dweller is not such a despicable being. If he is to be crushed by a legislation like this, by a tax which he cannot pay, I think it is up

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to us to stand up and resist it. It is as much our right to preserve the liberty of the town dweller as it is our right to preserve the liberty of any other. I think we should not allow it if it is possible for us to resist it. We must not pass this legislation without our emphatic protest. However much the Government may try to isolate the Trivandrum Municipality and separate it from others... .....

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Will it affect the member's position if the Law Member makes good his promise by getting the necessary amendments separating the Trivandrum Municipality from the other municipalities?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : It will not affect me at all. I look on the question purely on its merits. Supposing a legislation is enacted that all future taxation will affect only the Trivandrum Municipality; even then, I say, the Trivandrum Municipal tax-payer is as much entitled to the protection of this House and the serious consideration of this House as any other. I think if the House is not satisfied with regard to the capacity of the municipal tax-payer to pay an adequate amount, I do not think this House would be justified in any manner in lending its support to the Clauses as proposed by the Law Member.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Does the member know that Mr. Thanu Pillai has fixed 5% as the maximum; and does he find his way to agree to that?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I do not want this amendment to be thrown out. I am not sure of the percentage that the municipal tax-payer will be able to pay.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : If Mr. Thanu Pillai's amendment is voted upon and is passed, it will become law and the maximum will be 5%.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Yes. Government ought to have made a better provision. That is my argument for supporting it. Even otherwise the municipal tax payer in Trivandrum is not going to pay the whole expenses of the water works scheme. Anyway the money is going to be taken out, a large amount of it from the contribution of the general tax-payer. The only harm if it could be called a harm, is that we may be taking a bit more. That is much better than crushing a man simply because he happens to be inhabiting the town. I do not think this House should give weight to that argument. Sir, I strongly support the amendment moved by Mr. Thanu Pillai.

MR. K. NARAYANAPERUMAL NADAR (*Agastisvaram*): Sir, I oppose the amendment. The Chief Secretary has said at page 306 in No. IV, Vol. XXI as follows :

"I explained that a tax of 20 per cent on the annual rental value of buildings, would have to be imposed in order to meet the expenditure on account of maintenance and to make contribution towards interest, depreciation and other charges".

And, at the same page the Law Member has said "Did not Mr. Westerdale say that it would come to over a lakh of rupees".

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[Mr. K. Narayanaperumal Nadar.]

Now, Sir, if the Law Member has said that the minimum percentage should be fixed at either 15, 16 or 17, then the non-official members like Mr. Thanu Pillai might have probably said that the minimum percentage should be fixed at 9, 10 or 11. That is the psychology of the position. The Hon'ble Law Member has proved to be a poor psychologist. Any how that matters little. Government have fixed only a low percentage of 5 as the minimum charge. There is a large complaint that for street lighting alone the Government are spending nearly Rs. 50,000. Again I understand that the Government are contemplating to start a drainage scheme which will take one or two years for completion and that they propose to spend about 2 or 3 lakhs of rupees. The question is why the general tax payer should pay for these things. My answer is an emphatic "No". It is therefore very reasonable that the Government fix only a minimum and not a maximum. It is only reasonable that the Law Member has come forward with the minimum percentage and not with maximum percentage. On this ground I stoutly oppose Mr. Thanu Pillai's amendment.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I see that the old policy of the Government is being maintained still. It has been from the beginning, one of divide and rule. Now we are about to be divided on this question, urban against rural and in that policy, the Trivandrum Municipality is being segregated from the others and we are going to be dealt with as a separate body. I am against such a treatment being meted out, even if it be a single individual. I do not know why the Government did not take us into their confidence when the scheme was first started and tell this House how much it would cost annually from the general coffers for maintaining this scheme in Trivandrum. Now that they have started it and when they find it difficult to carry on this scheme, they take us into their confidence and not before. If they had taken us into their confidence in the beginning, we would have told them plainly that such a scheme should not be started. Now they have started it, and in order to divide us they take us into their confidence and say that we must pay it from the general revenues. But the interests of the town and the rural areas are one and the same. We cannot draw lines at the municipal limits. (*Mr. K. Kunjukrishna Pillai Hear, hear*). Humanity is one as a whole. It should not be divided into water-tight compartments as rural and urban. Such artificial distinctions exist only in our minds. They do not really exist. As our learned friend, the Doctor, suggested that cholera nursery started in a badly managed municipal area can do more harm to the rural areas than to the town itself, because it is the capital city and because there are Health Officers. The people might be cared for there but if it spreads to the rural areas, there will be nobody to care for them. Even the Vaccinator will not be sent when necessary. Such being the case this attempt at dividing us into water-tight compartments should be resisted. I should say that a maximum should be fixed. This is demanding or requiring a right for unlimited taxation. That is on

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principle bad. The poor tax payer's capacity for paying the tax should be the first consideration before taxes are imposed. If the Municipality is not able to bear any tax above a maximum fixed, the cost must be borne from the general revenues. What is the harm in doing that? It should be viewed from the point of view of health and not from any other point of view. It is the prime duty of the State to provide the necessary amenities to the town as well as to the rural parts. But simply because the rural parts are not going to get this, is it not their duty to stand in the way of those who are likely to get it. The advantage should be spread to the rural parts also. But a beginning should be made somewhere; and the beginnings are most necessary in the towns and they should be spread from the town to the rural areas. The beginning in the Trivandrum Municipality must therefore be welcomed. But I have one thing to ask in that respect. When a similar demand is made for another municipality in the State, the Council as well as the members of the Trivandrum Municipality should stand with them and vote for them and not leave them alone there. Then they should extend the same support to the rural areas also. If they stop with the Trivandrum Municipality, I am for opposing the present amendment.

After making a beginning here, they must extend it to other towns and to the rural areas also in course of time. Of course, I do not want it to be done to-day or tomorrow. But it is necessary. Therefore this beginning made in the capital should be welcomed. A maximum should be fixed. Wnlimited powers of taxation are a source of harm, They are a source of danger to people. In all legislations of this sort, the power of taxation ought to be limited. If it is not limited, there will be no end to the suffering that it might cause to the people. So, instead of fixing the minimum, the greatest necessity is to fix the maximum.

MR. K. GEORGE (*Chief Secretary to Government*): Will the member suggest the maximum?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): It must be 10% not more than that.

MR. K. GEORGE (*Chief Secretary to Government*): Would the member be prepared to fix the maximum in such a way as to cover interest, depreciation charges and other things?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): If there remains a balance to be paid after getting the maximum tax from the people, certainly it will have to be met out of the general revenues.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പത്തു ശതമാനം വച്ചാൽ, ഇതിലേക്കു ചിലവാക്കുന്ന പണത്തിന്റെ പലിശ ഏതുവിധത്തിൽ ഈടാക്കാം?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): പത്തു ശതമാനം കഴിച്ചു ബാക്കിയുള്ളതു ജനറൽ റവന്യൂവിൽ നിന്നും എടുക്കണം.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): Capital works ആയിട്ട് ഇതു ചെയ്യുമ്പോൾ ന്യായമായ പലിശ കിട്ടുമെന്ന അർത്ഥം വരുന്നില്ലെ?

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MR. K. GOPALAKRISHNA PILLAI (*Parur*): പിരിശ കിട്ടുന്നതിനുള്ള ഒരേർപ്പാടല്ലാ ഇതു്, നേരെ മറിച്ചു ജനങ്ങളുടെ ആരോഗ്യസംരക്ഷണത്തിനുള്ള ഒരു ജോലിയാണു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പൊതുജനങ്ങളുടെ പണത്തിൽ ഒരു വലിയ ഭാഗവും, പിരിശപോലും കിട്ടാത്തവിധത്തിൽ പട്ടണങ്ങളിൽ ചിലവുചെയ്യുക എന്നുള്ളതു നാട്ടിൻപുറങ്ങളിലെ പൊതുജനങ്ങൾക്കു സങ്കടമായിട്ടുള്ളതല്ലെ?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): ഞാൻ പറയുന്നതുതന്നെയാണു്. ഞാൻ പറഞ്ഞതു മനസ്സിലാക്കാത്തതുകൊണ്ടാണു് ഇങ്ങനെയുള്ള ചോദ്യങ്ങൾക്കിടവരുന്നതു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): എന്റെ ചോദ്യത്തിനുത്തരം പറഞ്ഞാൽ ഞാൻ മനസ്സിലാക്കികൊള്ളാം.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): പട്ടണങ്ങളിൽമാത്രം ഇതുപോലുള്ള വേലകൾ ചെയ്യണമെന്നല്ല ഞാൻ പറഞ്ഞതു്. പട്ടണങ്ങളിൽ തുടങ്ങി ക്രമേണ നാട്ടിൻപുറങ്ങളിലും ചെയ്തുകൊടുക്കണം. എന്നാൽ ഈമാതിരി ജോലികൾ ഇന്നു കൂടുതൽ ആവശ്യമുള്ളതു പട്ടണങ്ങളിലാണു്. തിരുവനന്തപുരം തലസ്ഥാനനഗരമാണല്ലൊ. ഇതിനുപുറമെ നമ്മുടെ ഒക്കെ കുട്ടികളും ഇവിടെ താമസിക്കുന്നുണ്ടു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നമ്മുടെ എല്ലാവരുടേയും കുട്ടികളിവിടെ താമസിക്കുന്നുണ്ടു്. എന്നാൽ നാട്ടിൻപുറങ്ങളിലെ ഭൂരിപക്ഷം ജനങ്ങളുടേയും കുട്ടികൾ ഇവിടെ താമസിക്കുന്നില്ലെന്നറിയാമോ?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): ഭൂരിപക്ഷം ജനങ്ങളുടേയും കുട്ടികൾ ഒരു സ്ഥലത്തുതന്നെ, നാട്ടിൻപുറമായാൽപോലും താമസിക്കാൻ സാധിക്കുകയില്ലല്ലൊ.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഭൂരിപക്ഷം ജനങ്ങളുടെ പണത്തിൽ അരകോടിയോളം രൂപാ ഒരുസ്ഥലത്തെ ആവശ്യത്തിനായി ചിലവാക്കി ആ പണത്തിന്റെ പിരിശപോലും കിട്ടാതിരുന്നാൽ അതു മറ്റുള്ളവർക്കു സങ്കടമല്ലെ?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): പിരിശ ഈടാക്കുക എന്നുള്ള നിലയിലല്ല ഞാൻ പറയുന്നതു്, അതാണു നമുക്കു തമ്മിലുള്ള വ്യത്യാസം.

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So, I heartily support the amendment moved by my friend Mr. Thanu Pillai.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : സർ, ഞാൻ മി. താണുപിള്ള അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ എതിർക്കുന്നു. അൻപതുലക്ഷത്തിലധികം ജനങ്ങളുള്ള ഈ രാജ്യത്തെ പൊതുമുതലിൽനിന്നും അരക്കോടിയോളം രൂപാ ഒരു പട്ടണത്തിലെ ഒരാവശ്യത്തിനായിട്ടുമാത്രം ബഡ്ജറ്റിൽ ചേർക്കയും, അതു non-votable item എന്നനിലയിൽ ചേർത്തു പാസാക്കുകയും ചെയ്യുന്നു.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : വോട്ടബിളായിരുന്നു അല്ലേ.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഏതായാലും നാൺവോട്ടബിൽ എന്നതരത്തിൽ അതിനെപ്പറ്റി അധികം വാദിക്കാതെ പാസാക്കിക്കൊണ്ടു പോവുകയാണ് ചെയ്തതു്. ഇതുകൊണ്ടു് ആദായം ഉണ്ടാക്കണമെന്നുള്ള ഉദ്ദേശത്തിലാണ് ചേർത്തിരുന്നതെന്നു ബഡ്ജറ്റിൽ ചേർത്തിരുന്ന item കൊണ്ടുതന്നെ മനസ്സിലാക്കാവുന്നതാണു്. Capital works –ൽ ചേർത്തിരുന്നതുകൊണ്ടു ചിലവാകുന്നപണത്തിനു പലിശകിട്ടണമെന്നുള്ള ഗവണ്മെൻറിന്റെ ഉദ്ദേശം പ്രത്യക്ഷമായിട്ടുണ്ടു്. പൊതുമരാമത്തു വകുപ്പു പരിശോധനക്കു വന്നപ്പോൾ വമ്പിച്ച തുക പട്ടണങ്ങളിലേക്കായി ചിലവുചെയ്യരുതെന്നു പലരും വാദിച്ചു ഗവണ്മെൻറിന്റെ ആ നയത്തെ ആക്ഷേപിക്കയുണ്ടായി. ഗവണ്മെൻറു് ഒരുവിധത്തിൽ വമ്പിച്ചതുക ചിലവാക്കി വേലയും നടത്തി മുനിസിപ്പാലിറ്റിയാകട്ടെ അല്ലെങ്കിൽ മുനിസിപ്പലിറ്റിയിൽ നിന്നും തിരഞ്ഞെടുത്ത മെമ്പറാകട്ടെ ഇതാവശ്യമില്ലെന്നു് ആരും വാദിച്ചിട്ടില്ല. ക്യാപ്പിറ്റൽ വർക്കിന്റെ ക്രെഡിറ്റിൽ ചേർത്തിരുന്നതുകൊണ്ടു ഇതിൽനിന്നും ആദായം എടുക്കാനുദ്ദേശിക്കുന്നുണ്ടെന്നു മുനിസിപ്പാലിറ്റിയും മുനിസിപ്പാലിറ്റി തിരഞ്ഞെടുത്ത മെമ്പരും നിശ്ചയമായും മനസ്സിലാക്കിയിരിക്കണം.

MR. A. THANU PILLAI (*Trivandrum*) : എന്തു ചിലവാണ് ഇതിലേക്കു വേണ്ടിവരുന്നതു് എന്നു പറയുവാൻ അന്നു ഗവണ്മെൻറു തയ്യാറില്ലായിരുന്നു എന്നും ഇന്നും അതു പറയുവാൻ ഗവണ്മെൻറു തുനിയുന്നില്ലെന്നും മെമ്പർക്കറിയാമോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) : ഇതിനു ന്യായമായ ഒരു പലിശ ഈടാക്കണമെന്നല്ലാതെ വലിയ ഒരു തുക ഈടാക്കുമെന്നു പ്രതീക്ഷിക്കാൻ ഒരു ന്യായവുമില്ല. വലുതായ ഒരു

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[Mr. Tariatu Kunjitomman.]

തുക ഈടാക്കുന്ന എന്ന കാണുമ്പോൾ അന്ന എത്രത്താൽ മതിയല്ലൊ. ഇപ്പോൾ അഞ്ചു ശതമാനമാണ് നികുതി ഈടാക്കാനായി നിശ്ചയിച്ചിരിക്കുന്നത്. ഇതിൽനിന്നും പ്രതിവർഷമുള്ള സംരക്ഷണച്ചിലവു പോലും ഈടാകുമൊ എന്നുള്ളതു സംശയമാണ്. ഇതിൽനിന്നും ന്യായമായ പലിശ വല്ലതും ഈടാക്കാൻ കഴിയുമൊ എന്ന ആലോചിച്ചറിഞ്ഞതിനുശേഷം ചെയ്യേണ്ട ജോലിയായിരുന്ന ഇതു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): ഇപ്പോൾ പത്തു ശതമാനം എന്ന വയ്ക്കുകയാണെങ്കിൽതന്നെയും പോരാതെവന്നാൽ വീണ്ടും കൂട്ടരുതോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇന്നിതു തീച്ചുപ്പെടുത്തിവയ്ക്കയല്ലേ നല്ലതു്. എന്റെ സ്നേഹിതൻ മി. താണുപിള്ള എന്തു ചിലവുവരും എന്ന നിശ്ചയിക്കാതെയാണ് ഈ സ്കീം പാസാക്കിയതെന്ന പറയുകയുണ്ടായി. അതിനാൽ ഒന്ന പാസാക്കിയശേഷം പിന്നീടു അതു വർദ്ധിപ്പിക്കുന്നതു കഷ്ടമായിരിക്കും.

MR, A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) കണക്കില്ലാതെ നികുതിചുമത്താനുള്ള അധികാരം മുനിസിപ്പാലിറ്റിക്കു കൊടുക്കാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മുനിസിപ്പാലിറ്റി കൂട്ടുതൽതുകവയ്ക്കയില്ലഎന്നുവേണം വിചാരിക്കാൻ

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): മുനിസിപ്പാലിറ്റി കൂട്ടുതൽ തുക വച്ചാലൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതനുവദിക്കാൻ പാടില്ല. ൨൦ ശതമാനമൊ മറ്റൊ മുനിസിപ്പാലിറ്റി വയ്ക്കുകയാണെങ്കിൽ ഗവണ്മെൻറു എന്താണു ചെയ്യുന്നു എന്നു ജനപ്രതിനിധികളായ നമുക്കുതന്നെ ആക്ഷേപിക്കാം.

പ്രജാസഭയിലും നിയമസഭയിലും നാട്ടിൻപുറങ്ങളിൽനിന്നു ജനപ്രതിനിധികൾ വന്നു റോഡുവേണം, പാലങ്ങൾവേണം, ആസ്പത്രികൾ വേണമെന്നു പറയുമ്പോൾ അതിനൊന്നിനും ചിലവുചെയ്യാതെ കോടിക്കണക്കിനു രൂപാ തലസ്ഥാനനഗരിയിൽ ചിലവുചെയ്യുന്നതു ശരിയല്ല.

MR. A. THANU PILLAI (*Trivandrum*): തലസ്ഥാനനഗരിയിൽ പണം ഒന്നുംതന്നെ ചിലവുചെയ്യുണ്ടാ എന്നാണൊ മെമ്പർ പറയുന്നതു്?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതു വേണ്ടെന്നു ഞാൻ പറയുന്നില്ല. അവിടത്തെ ജനങ്ങളും സുഖസൌകര്യങ്ങൾ അനുഭവിക്കേണ്ടതുതന്നെയാണ്.

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MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): തലസ്ഥാനനഗരിയിൽ കോടിക്കണക്കിനു രൂപാചിലവുചെയ്യുന്നതു ഗവണ്മെൻറല്ലേ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതെ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇങ്ങിനെ തലസ്ഥാനനഗരിയിൽ പണം ചിലവുചെയ്യുന്നതു് ഗവണ്മെൻറിനു നഷ്ടമുണ്ടാകുന്നതാണെന്നുള്ള ഒരു പാഠം ഗവണ്മെൻറിനെ പഠിപ്പിച്ചു കൊടുക്കുന്നതിനു മി. തോണ്ടപിള്ള അവതരിപ്പിച്ചിട്ടുള്ള ഭേഗതിയെ അനുകൂലിക്കയല്ലേ വേണ്ടതു്?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): പക്ഷേ ഈ നഷ്ടമൊട്ടിൻപുറങ്ങളിലെ ജനങ്ങളെക്കൂടി ബാധിക്കുന്നതാണു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഇങ്ങനെ തലസ്ഥാന നഗരിയിൽ പണം ചിലവു ചെയ്യുന്നതു ലാഭമാണെന്നു കണ്ടാൽ ഗവണ്മെൻറു പിന്നെയും പിന്നെയും അവിടെ തന്നെ പണം ചിലവു ചെയ്തു കൊണ്ടേ ഇരിയ്ക്കുകയില്ലേ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നാട്ടിൻപുറങ്ങളിലെ ജനങ്ങളും, അവരുടെ ഉല്പന്ന സാധനങ്ങൾക്കു വില കിട്ടാതെ വളരെ കഷ്ടപ്പെട്ടു വലഞ്ഞു കൊണ്ടിരിക്കയാണു്. അവരിൽനിന്നും കൂടി ഈ നഷ്ടം വരുന്ന തുക പിരിക്കും. ഭൂരിപക്ഷം ജനങ്ങളുടെ കഷ്ടതകൾക്കു പ്രതിവിധിയുണ്ടാക്കാനായിട്ടാണു് നാം ശ്രമിക്കേണ്ടതു്. പട്ടണവാസികൾക്കു ക്ഷാമം വളരെ കുറവാണു്. പട്ടണങ്ങളിലെ ജനസംഖ്യ തന്നെ അയൽരാജ്യങ്ങളെ അപേക്ഷിച്ചു വളരെ കുറവാണു്. അവരുടെ ആവശ്യത്തിനു പണം ചിലവാക്കി ഒരു സ്കീം നടപ്പാക്കി അതിൻറെ പ്രതിവഷ്മുള്ള സംരക്ഷണത്തിനു പോലും പണം പിരിച്ചുണ്ടാക്കാൻ പാടില്ല എന്നു പറയുന്നതു എത്ര കഷ്ടമാണു്. ഇതിലേക്കു മറുള്ളവർ കൂടി കൊടുക്കേണ്ടിവരുന്നു. ഭൂരിപക്ഷഭൂരിസുഖം എന്നുള്ളതു് നേരെ വിപരീതമായി മാറുന്നു. അതിനാൽ ഈ സ്കീമിൻറെ പ്രതിവഷ്മുള്ള സംരക്ഷണച്ചിലവും നാലുശതമാനമെങ്കിലും കിട്ടത്തക്കവണ്ണമുള്ള പലിശയും അടങ്ങുത്തക്കവണ്ണം നികുതി പിരിക്കുന്നതിനുള്ള ഒരു വ്യവസ്ഥചെയ്യണം. ഒരു തുക നിശ്ചയിച്ചു പിരിക്കുക. അതു കൂടുതലാണെങ്കിൽ നമുക്കു ഈ സഭയിൽനിന്നും തന്നെ കുറയ്ക്കണമെന്നു വാദിക്കാം. അന്നു ഞാനും ഈ സഭയിൽ ഉണ്ടായിരുന്നാൽ ഞാൻ തന്നെ ഒന്നാമതായി വാദിക്കാൻ പുറപ്പെടുന്നതാണു്. അല്ലെങ്കിൽ ജനങ്ങളുടെ ഒരു ഡെപ്യൂട്ടേഷൻ പോയി ഗവണ്മെൻറിനെ ധരിപ്പിക്കാം.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): നികുതി ചുമത്തുന്നതിന്റെ മിനിമവും മാക്സിമവും ഇതിൽ വയ്ക്കാതെ മുനിസിപ്പാലിറ്റിയുടെ യുക്തം പോലെ നികുതി ചുമത്തുന്നതിനു വിട്ടു കൊടുക്കുന്നതു ദുഷ്കരമായിരിക്കുമോ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇവിടെ ഒന്നു വ്യക്തപ്പെടുത്തി വച്ചില്ലെങ്കിൽ മേലാൽ അതുകൊണ്ടു ദോഷമുണ്ടാകും. ഈ സംഗതിയിൽ ഗവണ്മെന്റു ചെയ്യേണ്ടതു് ഈ സ്കീമിന്റെ പ്രതിവർഷമുള്ള സംരക്ഷണച്ചിലവും, ഇതിനും പുറമേ ഇതിലേക്കു ചിലവു ചെയ്തിട്ടുള്ള പണത്തിനു നാലു ശതമാനമെങ്കിലും പലിശയും അടങ്ങുത്തക്കവണ്ണമുള്ള ഒരു കണക്കുണ്ടാക്കി ഒരു നികുതി പിരിക്കണമെന്നാണു് എന്റെ അഭിപ്രായം. നാട്ടിൻപുറങ്ങളിലുള്ളവർ അവരുടെ ആവശ്യങ്ങൾ സാധിച്ചു കിട്ടണമെന്നു പറയുമ്പോൾ അതൊന്നും ചെയ്തു കൊടുക്കാറില്ല. ഈ പ്രതിനിധി സഭയിൽ കൂടുതൽസ്ഥാനം തലസ്ഥാന നഗരിയിൽ ഉള്ളവർക്കായതു കൊണ്ടു് അവരുടെ ഇഷ്ടം അനുസരിച്ചാണു് ഇവിടെ കാര്യങ്ങൾ നടക്കുന്നതു്. ഈ സ്കീം ആദ്യം ബഡ്ജറ്റിൽ പ്രൊവൈഡ് ചെയ്ത കാലത്തു തലസ്ഥാന നഗരിയിലുള്ള പ്രതിനിധികൾ പ്രതിഷേധിക്കാതെ മൌനമായിരുന്നതു കൊണ്ടാണു് ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നതു്.

MR. A. THANU PILLAI (*Trivandrum*): എത്ര ശതമാനം വയ്ക്കാമെന്നാണു് മെമ്പറുടെ അഭിപ്രായം?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഞാൻ കണക്കു കൂട്ടി നോക്കീട്ടില്ല.

MR. A. THANU PILLAI (*Trivandrum*): ഇതിന്റെ ആവശ്യത്തിനു എന്തു തന്നെ ചിലവാക്കിയാലും ആ പണം തിരുവനന്തപുരം നിവാസികൾ കൊടുക്കണമെന്നാണോ മെമ്പർ പറയുന്നതു്?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ സ്കീം കൊണ്ടുപയോഗമുള്ളവരുടെ പക്കൽനിന്നും പ്രതിവർഷമുള്ള സംരക്ഷണ ചിലവിനും പുറമെ ചിലവായ പണത്തിനു പലിശ കൂടി അടങ്ങുത്തക്കവണ്ണമുള്ള ഒരു തുക ഈടാക്കണമെന്നാണു് ഞാൻ പറയുന്നതു്. 10 ലക്ഷം ജനങ്ങളുടെ പണം കോടിക്കണക്കിനു പട്ടണത്തിൽ കൊണ്ടു ചെന്നു ചിലവു ചെയ്തശേഷം പട്ടണവാസികളിൽനിന്നും ഒന്നും പിരിക്കാൻ പാടില്ല എന്നു വയ്ക്കുന്നതു കഷ്ടമാണു്. ഇനിയും എന്തെല്ലാം സംഗതികൾ ഇതുപോലെ പട്ടണങ്ങളിൽ ചെയ്യാൻ പോകുന്നു.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ ശതമാനം നിണ്ണയിക്കാനുള്ള അധികാരം മുനിസിപ്പാലിറ്റിക്കു വിട്ടുകൊടുക്കുന്നതു സമ്മതമാണൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഇവിടെ ചിലവാക്കിയിട്ടുള്ളതു മുനിസിപ്പാലിറ്റിയുടെ പണമല്ല; പൊതുജനങ്ങളുടെ പണമാണു്. അതുകൊണ്ടു ഈ ശതമാനവും ഗവണ്മെൻറുതന്നെ നിശ്ചയിക്കണം.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): മുനിസിപ്പാലിറ്റിയിൽ നിന്നു എന്തുകൊടുക്കാൻ കഴിയുമെന്നു മുനിസിപ്പാലിറ്റിയോടു ചോദിച്ചിട്ടുണ്ടൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ സ്കീം കൊണ്ടുവന്നപ്പോൾതന്നെ മുനിസിപ്പാലിറ്റിയിൽനിന്നും തിരഞ്ഞെടുത്ത മെമ്പർ ഉണ്ടായിരുന്നു. അദ്ദേഹം അന്നുതന്നെ ഇതിനെപ്പറ്റി പ്രതിഷേധിക്കേണ്ടതായിരുന്നു. അപ്പോൾ ന്യായമായ ഒരു പലിശ ഈടാക്കുന്നതു സമ്മതമാണെന്നുള്ള വിചാരത്തിൽ അന്നു പ്രതിഷേധിക്കാതിരുന്നു എന്നുവേണം അനുമാനിക്കാൻ.

MR. A. THANU PILLAI (*Trivandrum*): എന്തുചിലവു് വേണ്ടിവരുമെന്നും, എന്തു തുക ജനങ്ങൾ കൊടുക്കേണ്ടിവരുമെന്നും അന്നു മുനിസിപാലിറ്റി മെംബർ ചോദിച്ചപ്പോൾ ഗവണ്മെൻറു സമാധാനം പറഞ്ഞിട്ടില്ലെന്നും അറിയാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അന്നു ആരുംതന്നെ പ്രതിഷേധസ്വരം രേഖപ്പെടുത്തിയില്ല. ഇതിൽ നിന്നും ന്യായമായ ഒരു നികുതി ഈടാക്കുന്നതു സമ്മതിച്ചു എന്നുവേണം അനുമാനിക്കാൻ. വമ്പിച്ചചിലവു ഗവണ്മെൻറു ചെയ്തുകൊള്ളട്ടെ, തിരിയെ അങ്ങോട്ടൊന്നും കൊടുക്കാതെ കഴിക്കാമെന്നു വിചാരിക്കുന്നതു കഷ്ടമാണു്.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): ന്യായമല്ലാത്ത തുക ഗവണ്മെൻറു ചുമത്തുകയില്ലെന്നുള്ള വിചാരത്തിൽ അന്നു പ്രതിഷേധിക്കാതിരുന്നു എന്നു അനുമാനിക്കരുതൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ന്യായമായ തുകയെ ചുമത്താവു എന്നാണു് ഞാനും പറയുന്നതു്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): അഞ്ചുശതമാനത്തിനുമേൽ ചുമത്താൻ പാടില്ലെന്നുള്ളതാണു് ഇവിടത്തെ വാദവിഷയം എന്നുള്ളതു മെംബർക്കറിയാമൊ? ഈ സംഗതി റിപ്പോർട്ടിൽതന്നെ പറഞ്ഞിട്ടുള്ളതാണു്.

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MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): വാട്ടർവക്ക്സ് പുത്തനായിട്ടു തുടങ്ങിയതാണ്. അതുകൊണ്ടു പുത്തനായി ചില ഏർപ്പാടുകളും ആവശ്യമുണ്ട്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന റഗുലേഷനിൽ ൫ ശതമാനത്തിൽക്കൂടുതൽ ചുമത്താൻ പാടില്ലെന്നറിയാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതു ഭേദഗതിചെയ്യാനാണല്ലൊ നാം തുടങ്ങുന്നതു്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): മുനിസിപ്പാലിറ്റിയിൽ നിന്നും ഇയ വേല ആവശ്യമില്ലെന്നു പറയുകയാണെങ്കിൽ ഈ പണമെല്ലാം ഗവണ്മെൻറു തിരിയെ എടുക്കുമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതു് പറയേണ്ടകാലത്തു പറയാതെ ഇപ്പോൾ പറഞ്ഞതുകൊണ്ടു് എന്തുവിശേഷമാണുള്ളതു്?

MR. A. THANU PILLAI (*Trivandrum*): ഗവണ്മെൻറു ഉദ്ദേശിച്ചിരുന്നതുകയിൽനിന്നും ഇപ്പോൾ കൂടുതൽ ചിലവാക്കേണ്ടിവരുന്നു എന്നുള്ളതറിയാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): കൂടുതൽ ചിലവാക്കേണ്ടിവന്നാൽ അതിനെപ്പറ്റി പട്ടണവാസികൾ പ്രതിഷേധിക്കേണ്ടതായിരുന്നു.

MR. A. THANU PILLAI (*Trivandrum*): കൂടുതലായി എത്രയാണു് ചിലവാക്കേണ്ടിവരുന്നതെന്നറിയാമൊ?

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): അതിൻെറ കണക്കുകളെല്ലാം ബഡ്ജറ്റിലുണ്ടു്.

എന്തായാലും അന്നു ഇതിനെപ്പറ്റി പ്രതിഷേധിക്കാതെയിരുന്നതു ന്യായമായ ഓരോഹരി കൊടുക്കാമെന്നുള്ള വിചാരത്തിലാണു്. ഇങ്ങനെ ചിലവാക്കിയ പണിത്തിനു ഒരു പലിശപോലും ഈടാക്കാതെയിരിക്കുന്നതു പൊതുജനങ്ങളോടു കാണിക്കുന്ന ഒരു വലിയ അപരാധമായിരിക്കും. അമ്പലപ്പുഴ ചേർത്തല മുതലായ താലൂക്കുകളിലെ ജനങ്ങൾക്കു കുടിക്കുന്നതിനു ശുദ്ധജലം കിട്ടുന്നില്ലെന്നു പരാതിപറഞ്ഞപ്പോൾ ഗവണ്മെൻറു മെയനമായിരുന്നു. തലസ്ഥാനത്തു അതിലെക്കായി വമ്പിച്ചതുകയും ചിലവുചെയ്തു.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): എണ്ണപലിശ അടങ്ങുത്തക്കവണ്ണമുള്ള നികുതിയാണ് ചുമത്തേണ്ടതു്?

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MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നാലുശതമാനം പലിശയും സംരക്ഷണച്ചിലവും അടങ്ങുന്നതക്കവണ്ണമുള്ള തുക ഈടാക്കണം.

ഇതുയും പ്രസ്താവിച്ചുകൊണ്ടു ഞാൻ മി. താണുപിള്ള ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ എതുത്തുകൊള്ളുന്നു.

MR. RAMA VARMA RAJA (*Edavagai*): മി. താണുപിള്ള ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ ഞാൻ അനുകൂലിക്കുന്നു. വാദപ്രതിവാദത്തിനിടയിൽ, ഇതിന്റെ മാക്സിമവും മിനിമവും ക്ലിപ്തപ്പെടുത്താതെ മുനിസിപ്പാലിറ്റിക്കുതന്നെ ആ ഭാരം വിട്ടുകൊടുത്താൽ അതു സ്വീകാര്യമാണോഎന്നു ലാമെമ്പർ ചോദിക്കുകയുണ്ടായി. എന്നാൽ റഫ്രഷേനിൽ ക്ലൗസ് (ന) ൽ പറയുന്നതു്, ഇതിൽ എത്രതന്നെ പറഞ്ഞിരുന്നാലും ഗവണ്മെന്റു ചില വേലകൾ നടത്തുന്നതിനു മുനിസിപ്പാലിറ്റിയെ നിർബന്ധിക്കുന്നതാണെന്നാണു്. മുനിസിപ്പാലിറ്റിയുടെ കൺസെന്റോടുകൂടി എന്നു ഇതിൽ പറയുന്നുണ്ടെങ്കിലും ഇപ്പോഴത്തെ നടപ്പനുസരിച്ചു മുനിസിപ്പാലിറ്റിയുടെ കണ്സെന്റു എന്നു പറയുന്നതു ഗവണ്മെന്റിന്റെ നിർബന്ധമാണു്. ഈ സംഗതി ഒരു മുനിസിപ്പൽ പ്രസിഡന്റു് എന്നനിലയിൽ എനിക്കു നല്ലവണ്ണം അറിയാവുന്നതാണു്.

MR. A. THANU PILLAI (*Trivandrum*): മുനിസിപ്പാലിറ്റിയുടെ അഭിപ്രായമെന്നല്ലെ ഇതിൽ പറയുന്നതു്?

MR. RAMA VARMA RAJA (*Edavagai*): മുനിസിപ്പാലിറ്റിയുടെ അഭിപ്രായം എന്നുള്ളതുതന്നെയാണു് ഞാൻ കണ്സെന്റു എന്നുപറഞ്ഞതു്.

MR. P. S. MAHOMED (*Nominated*): ഇതു വേലനടത്തിപ്പിനെ സംബന്ധിച്ചല്ലേ; അല്ലാതെ നികുതി ചുമത്തുന്നതിനെസംബന്ധിച്ചാണോ?

MR. RAMA VARMA RAJA (*Edavagai*): അങ്ങിനെയായിരുന്നാലും നികുതിചുമത്തുന്നതിനെസംബന്ധിച്ചു ഗവണ്മെന്റിനു നിർബന്ധിക്കാൻ കഴിയും.

MR. A. THANU PILLAI (*Trivandrum*): സെക്ഷൻ ക്ലൗസ് (ന) അനുസരിച്ചു ഗവണ്മെന്റുതന്നെ കുറെപണം ചിലവുക്കി ഏതെങ്കിലും വേലനടത്തി ആ തുക മുനിസിപ്പാലിറ്റിയുടെ സമ്മതം കൂടാതെതന്നെ മുനിസിപ്പാലിറ്റിയെക്കൊണ്ടു കൊടുക്കാൻ ആവശ്യപ്പെടാമെന്നുകൂടി പറയുന്നില്ലേ?

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MR. RAMA VARMA RAJA (*Edavagai*): ഉണ്ട്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*) മുനിസിപ്പാലിറ്റിക്കു പണമില്ലെങ്കിൽ ഇൗടാക്കാൻ സാധിക്കുമോ?

MR. RAMA VARMA RAJA (*Edavagai*): മുനിസിപ്പൽ പ്രസിഡൻറായി ഒരു പത്തുദിവസമെങ്കിലും ഇരുന്നിരുന്നാൽ ഇങ്ങനെയുള്ള ചോദ്യം ചോദിക്കയില്ലായിരുന്നു.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഒരുമുനിസിപ്പൽ മെമ്പറായിരിക്കുന്നയാൾ അതിനെപ്പറ്റി പറഞ്ഞാലുംമതിയല്ലോ?

MR. RAMA VARMA RAJA (*Edavagai*): ഒരു മുനിസിപ്പാലിറ്റിയിലെ മെമ്പർമാരും പ്രസിഡൻറും ഗവണ്മെൻറു പറയുന്നതുപോലെ അല്ലാതെ പ്രവർത്തിച്ചാൽ അവരെ മാറാനുള്ള അധികാരം ഗവണ്മെൻറിനുണ്ട്. അങ്ങിനെ ഒരധികാരം ഗവണ്മെൻറിനുള്ളിടത്തോളംകാലം ഗവണ്മെൻറു പറയുന്നതനുസരിച്ചേ മുനിസിപ്പാലിറ്റി പ്രവൃത്തിക്കുകയുള്ളൂ.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ഗവണ്മെൻറു പറയുന്നതുപോലെ കേട്ടില്ലെങ്കിൽ മുനിസിപ്പൽ പ്രസിഡൻറിനെ മാറാനുള്ള അധികാരം ഗവണ്മെൻറിനുണ്ടോ?

MR. RAMA VARMA RAJA (*Edavagai*): പ്രസിഡൻറിനേയും മെമ്പർമാരേയും മാറാനുള്ള അധികാരമുണ്ട്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അപ്പോൾ മുനിസിപ്പൽ പ്രസിഡൻറന്മാരെല്ലാം ഗവണ്മെൻറിനെ ഭയന്നാണോ കഴിച്ചുകൂട്ടുന്നതു്?

MR. RAMA VARMA RAJA (*Edavagai*): മിക്കവാറും അങ്ങിനെയാണു്.

MR. A. KUMARA PILLAI (*Secretary to Government*): ഏതെങ്കിലും മുനിസിപ്പൽ പ്രസിഡൻറിനെ ഗവണ്മെൻറിൽനിന്നും മാറിയിട്ടുണ്ടോ?

MR. RAMA VARMA RAJA (*Edavagai*): ഉണ്ട്.

MR. K. GEORGE (*Chief Secretary to Government*): ഏതു മുനിസിപ്പാലിറ്റിയിലെ പ്രസിഡൻറിനെയാണു്?

MR. RAMA VARMA RAJA (*Edavagai*): ആറിങ്ങൽ മുനിസിപ്പൽ പ്രസിഡൻറിനെ ഗവണ്മെൻറു മാറി.

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MR. A. KUMARA PILLAI (*Secretary to Government*): ആറ്റിങ്ങൽ മുനിസിപ്പൽ പ്രസിഡൻറിന്റെ കാലാവധി തീർന്നതുകൊണ്ട് തനിയെ മാറുകയല്ലാതെ ഗവണ്മെൻറു മാറുകയാണോ ചെയ്തത്?

MR. RAMA VARMA RAJA (*Edavagai*): എന്റെ അറിവു ഗവണ്മെൻറു മാറ്റി എന്നാണ്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഗവണ്മെൻറിൽനിന്നും ആവശ്യപ്പെട്ട തുക കൊടുക്കാത്തതുകൊണ്ടാണോ മാറ്റിയത്?

MR. RAMA VARMA RAJA (*Edavagai*): അതല്ലെങ്കിൽ മറ്റുവല്ല കാരണങ്ങളും കൊണ്ടായിരിക്കാം. ഞാൻ അതിനെപ്പറ്റിയല്ല പറയുന്നതു. മുനിസിപ്പൽ പ്രസിഡൻറിനെ മാറ്റാനുള്ള അധികാരം ഗവണ്മെൻറിനിരിക്കുന്നിടത്തോളംകാലം അവർക്കു ഗവണ്മെൻറു പറയുന്നതനുസരിച്ചല്ലാതെ ചെയ്യാൻ നിവൃത്തിയില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): ബാക്കിയുള്ള മുനിസിപ്പൽ പ്രസിഡൻറന്മാരെല്ലാം ഇങ്ങനെ ഭയന്നു ജീവിക്കുന്നവരാണൊ?

MR. RAMA VARMA RAJA (*Edavagai*): അങ്ങിനെയാണെന്നാണ് എന്റെ അഭിപ്രായം.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ഗവണ്മെൻറു പറയുന്നതുപോലെ പ്രവൃത്തിക്കാത്ത പ്രസിഡൻറന്മാരും ഇല്ലെ?

MR. RAMA VARMA RAJA (*Edavagai*): ഇപ്പോളില്ല. ഗവണ്മെൻറിനു അധികാരം നല്കിയിരിക്കുന്ന ഈ രൂപം മാറ്റിയാൽ ഉണ്ടാകും.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): ആ രൂപംമാറ്റിയില്ലെങ്കിലും അങ്ങിനെയുള്ള പ്രസിഡൻറന്മാർ ഉണ്ടാവുകയില്ലെ?

MR. RAMA VARMA RAJA (*Edavagai*): ഉണ്ടാവുകയില്ലെന്നാണ് എന്റെ അഭിപ്രായം.

ഗവണ്മെൻറിനു മുനിസിപ്പാലിറ്റിയുടെ മേലുള്ള അധികാരത്തിൽ ചിലതു് എടുക്കുക എന്നുള്ളതിനു പ്രയാസമായ ഒന്നാണു വിവാഭേദഗതി. എന്നാൽ മുനിസിപ്പാലിറ്റിയുടെ സമ്മതത്തോടുകൂടി എന്തെങ്കിലും ചെയ്യാമെന്നായിരുന്നു എങ്കിൽ ഞാനും അതിനെ സമ്മതിക്കുമായിരുന്നു. അല്ലാതെ ഗവണ്മെൻറിന്റെ യുക്തംപോലെ ചെയ്യാമെന്നു കിടക്കുന്നതുകൊണ്ടു എനിക്കു മി. താണുപിള്ളയുടെ ഭേദഗതിയെ അനുകൂലിക്കാതെയിരിക്കാൻ നിവൃത്തിയില്ല.

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MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Sir, to my mind the Bill is entirely one-sided and the amendment is equally the other-sided. Mr. Thanu Pillai said that the present water works were undertaken by the Government without the approval of the municipality, and the Law Member, on the other hand, said that it was at the request of the municipality.

MR. A. THANU PILLAI (*Trivandrum*): I wish to know from the member whether he has given notice of any amendments?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No; I am speaking on the motion before the House. The Law Member, on the other hand, said that the Water Works Scheme was undertaken by the Government at the request of the municipality. Anyhow, it appears to be an accomplished fact that the Trivandrum town has now the benefit of the water works and it is my idea that the people who enjoy the benefits of the water works must pay for them. Mr. Thanu Pillai also said that people from Muvattupuzha, Thodupuzha, Kunnatnad and other places who come to Trivandrum, whenever they come here, enjoy all the benefits and they have no chance of paying for the benefits they enjoy. On the other hand, my experience is that people who come from the rural parts have really to pay for the amenities they enjoy in Trivandrum also.

MR. A. THANU PILLAI (*Trivandrum*): What is it that they pay?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I will answer. They do so not directly but they do so indirectly. Here we are at the question of water works. People who come from outside Trivandrum, of course, cannot go without water. Of course, they stay here using water in some place no doubt. Some house they necessarily require and if that particular house is taxed, then some way or other, the people who come from outside, that is people who want to occupy the house, will be indirectly taxed by the owners thereof.

MR. RAMA VARMA RAJA (*Edavagai*): ഒരാൾ കൂടുതലായി വരുമ്പോൾ ഒരു നാല്ഗ്യാലൻ വെള്ളമെങ്കിലും ആ വീട്ടിൽ കൂടുതൽ ചിലവുവരികയില്ലെ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): കൂടുതൽ വന്നയാൾ നേരിട്ടു ഗവണ്മെൻറിനു കരം കൊടുക്കുന്നില്ലെങ്കിലും അയാൾ ആ വീട്ടുകാർക്ക് ഏതെങ്കിലും ഒരു തരത്തിൽവല്ലതും കൊടുക്കുന്നുണ്ട്.

MR. S. KRISHNA PILLAI (*Karunagapalli*): ഒരുപൈസ ബിസ്സുറെങ്കിലും കൊടുക്കും അല്ലെ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതെ.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): നാട്ടിൻപുറങ്ങളിൽനിന്നും ഇവിടെ വന്നു താമസിക്കുന്നവർ പണം ചിലവാക്കുകയല്ലാതെ ഇവിടെ നിന്നും വല്ലതും കൊണ്ടുപോകുന്നുണ്ടൊ?

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MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): മല്ല.

MR. A. THANU PILLAI (*Trivandrum*): പട്ടണത്തിൽനിന്നാ ... ...

(Messrs. A. Thanu Pillai and K. Gopalakrishna Pillai stood up asking questions in Malayalam).

PRESIDENT: Order please. Members must not direct questions together or talk in the vernacular when they generally speak in English.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): So that, people from the rural areas who frequent the metropolis have also to contribute indirectly towards the expenses of the town, especially in regard to water works.

Anyhow the major portion of the tax is certainly paid by the people of the municipality only and not by the people who come from outside and the major portion of the comforts is also enjoyed by the people of the town. The next question is what should be the charge that should be levied upon the people who enjoy the comforts. I do not know whether even Mr. Thanu Pillai objected to the levying of any tax. He also conceded that some amount of tax may be levied. His proposition is that not more than 5 per cent. of the annual rent of a building may be levied. According to the general principle of taxation the tax-payer should not be taxed beyond his capacity. When the Government fixed 5 per cent as the minimum, of course there is a presumption that the 5 per cent would be enough. Otherwise there is no necessity for fixing upon the 5 per cent.

MR. S. KRISHNA PILLAI (*Karunagapalli*): After listening to the Law Member, is it the member's opinion that only 5 per cent. tax should be levied in this present case?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Not so. I understand him to say that 5 per cent. will be sufficient for certain purposes. Otherwise there is no meaning in fixing 5 per cent. When a minimum is fixed, I understand that without that minimum amount the Government cannot get on with the business. That is the idea underlying the fixing of a minimum. On the other hand when a maximum is fixed that shows the utmost capacity of the tax-payer to pay. It is the tax-payer that should decide his capacity to pay and not the Government.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Beyond the question of fixing the capacity of the tax-payer, would it be safe to invest any institution with extraordinary unlimited powers of taxation?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I do not think it is advisable to give unlimited powers of taxation to any body.

MR. K. GEORGE (*Chief Secretary to Government*): Will anybody admit the extent of his capacity to pay?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): He may not admit. But here, it is the Council that, impartially and on a fair

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[Mr. K. P. Abraham.]

consideration of the facts, decides the capacity of the tax-payer to pay.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Does the member mean to say that the tax-payer is unwilling to pay what he ought to pay?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I do not mean that all will be of the same opinion. Some may be willing to pay, others not.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): With all the literacy of Travancore, does the member mean to say that they would be unwilling to pay?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): I do not think that literacy has anything to do with willingness to pay.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): The literates would be able to say whether they are willing to pay or not.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Literacy may teach them how to pay. But their willingness to pay is a different matter.

Both the sides agree to 5 per cent. I think the Bill says that 5 per cent will be sufficient for certain purposes. On the other hand the amendment says that 5 per cent. should be the maximum. As the Bill and the amendment stand, I think I have to support the amendment rather than the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is the member's opinion about leaving the fixing of the maximum as well as the minimum to the discretion of each municipality?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): In that case there is only one objection. Here the minimum amount must be realised by the Government for other purposes, because otherwise the Government will not be in a position to maintain themselves. Therefore the least amount required for maintaining the Government should be collected from the tax-payer.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So the minimum must be mentioned in the Bill itself?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): My own view is that both the maximum and the minimum should be mentioned in the Bill itself. The Bill ought to say "not less than five per cent" and not exceeding another percentage. I am not in a position to suggest any maximum because I have not got the figures necessary. As the Bill now stands, on the grounds already mentioned by me, I support the amendment of Mr. Thanu Pillai.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Does not the member remember that he started by saying that he opposed the amendment?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): No.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): മെമ്പർ ഭേദഗതിയെ പ്രതിക്ഷേപിക്കുന്നു എന്നല്ലെ ആദ്യം പറഞ്ഞത്?

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MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) ഇപ്പോ ൾ കാണുന്നനിലയ്ക്കു ഭേദഗതിയെ അനുകൂലിക്കയാണു് ചെയ്യുന്നതു്.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): കാണാത്തനിലയ്ക്കു് ഇതിനെ പ്രതികൂലിക്കയാണൊ ചെയ്യുന്നതു്?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): കാണാ ത്ത നിലയെപ്പറ്റി ഞാൻ ഒന്നും പറയുന്നില്ല.

The House adjourned for lunch at 1-58 P. M. and met again at 2-46 P.M

MR P. S. MAHOMED (*Nominated*): സർ, മി. താണുപിള്ളയുടെ അമൻറ്മെൻറ് അഞ്ചു ശതമാനത്തിൽനിന്നും ഒരിക്കലും കുടാൻ പാ ടില്ലാ എന്നുള്ളതാണു്. ജനങ്ങളിൽ കൂടുതൽ നികുതി ചുമത്തുന്നതു പരമാർത്ഥത്തിൽ സങ്കടകരമാണെങ്കിലും അവക്കു് അനുഭവിക്കുന്നതി നുവേണ്ടി ചെയ്തുകൊടുക്കുന്ന കായ്ക്കുരംക്കുതുല്യമായ വിധത്തിലുള്ള നികുതി കൊടുക്കത്തക്കവ്യവസ്ഥകം ഉണ്ടാക്കേണ്ടതും അത്യാവശ്യമാ ണു്. തിരുവനന്തപുരത്തെ മുനിസിപ്പാലിറ്റിയെ മാത്രം ബാധിക്കത്ത ക്കനിലയിലാണു് ഇപ്പോഴത്തെ ബില്ലിൽവ്യവസ്ഥചെയ്തിരിക്കുന്നതെന്നു ലാമെമ്പർ പറയുന്നുവെങ്കിലും അതു മറ്റുസംഘങ്ങളിൽ ഉള്ള ആളുക ൾക്കും ഇര ഇട്ടുകൊടുക്കുന്നതുപോലെയാണെന്നു പലർക്കും ഒരു തെറ്റി ധാരണ ഉള്ളതുപോലെ തോന്നുന്നുണ്ടു്.

അതിനെക്കുറിച്ചു് എനിക്കു പറയാനുള്ളതു് തിരുവനന്തപുരം മുനി സിപ്പാലിറ്റിയെ മാത്രം ഇതിൽനിന്നും വേർതിരിക്കാൻ പാടില്ലാഎന്നാ ണു്. തിരുവനന്തപുരം മുനിസിപ്പാലിറ്റിക്കു ലഭിച്ചുകൊണ്ടിരിക്കുന്നഗ്രണ ങ്ങളും എല്ലാമുനിസിപ്പാലിറ്റികൾക്കും ലഭിക്കണമെന്നും ഗവണ്മെൻറി ൻറെ സകലവിധപ്രോത്സാഹനങ്ങളും കിട്ടണമെന്നും വിചാരിക്കുക അല്ലാതെ അതിൽനിന്നും മാറിനില്ക്കണമെന്നു് ഏതെങ്കിലും മുനിസി പ്പാലിറ്റിയെ അവിടത്തെ ജനങ്ങളെ ആഗ്രഹിക്കുമെന്നു ഞാൻവിചാ രിക്കുന്നില്ല. വാട്ടർസപ്ലൈമുനിസിപ്പൽ ആവശ്യമാണെന്നുള്ളതിനു യാ തൊരു സംശയവുമില്ല. ഒരു മുനിസിപ്പൽ അതുത്തിക്കകത്തുള്ള ജനങ്ങൾ ക്കു സുഖമായി ജീവിക്കുന്നതിനുള്ള എല്ലാമാർഗ്ഗങ്ങളും ചെയ്തു കൊടു ക്കണമെന്നു് ആവശ്യപ്പെടുകയും അതു ചെയ്യുന്നതിനുള്ള ശക്തി അതു മുനിസിപ്പാലിറ്റിക്കു് ഇല്ലാതിരിക്കുകയും ചെയ്യുന്ന അവസരത്തിൽ ഗ വണ്മെൻറ് മുന്നിട്ടു നിന്നു പ്രവർത്തിക്കുകയും ആവക പ്രവർത്തികൾ ക ഴിഞ്ഞശേഷവും മറ്റു മുനിസിപ്പാലിറ്റികളുടേയും അതിലെ ആളുകളു ടേയും ആവശ്യത്തേയും നിലയേയും മനസ്സിലാക്കാതേയും ആലോചിക്കാ

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[Mr. P. S. Mahamed.]

തേയും ഇരുന്നിട്ട ഞങ്ങൾ അവയുടെ ഉത്തരവാദിത്വം വഹിക്കുന്നില്ലഎ ന്നു പറയുന്നതു ശരിയല്ല. ഈബില്ലിൽകാണുന്നതു് അഞ്ചു ശതമാനത്തി ൽ കുറയാതെ കരം ചുമത്തണമെന്നാണു്.ഇന്നത്തെ ചിലവും മറ്റു സം ഗതികളും നോക്കിയാൽഇതിനെമുന്നോട്ടു കൊണ്ടുപോകുന്നതിനു് അഞ്ചു ശതമാനം വേണമെന്നുള്ളതു് ഈ സംഗതിയെക്കുറിച്ചു് അറിയാമെന്നുള്ള വർക്കു മനസ്സിലാക്കാവുന്നതാണു്. തിരുവനന്തപുരംമുനിസിപ്പാലിറ്റിക്കു ൪–ശതമാനം കൊടുത്താലും ശരിയായി നടത്തുന്നതിനു ശക്തിഉണ്ടോ എന്നു് എനിക്കു സംശയമാണു്. സ്ഥലത്തിന്റെ സ്ഥിതിയേയും ആളുക ളുടെനിലയേയും മനസ്സിലാക്കാതെ ഒരു റഗുലേഷനിൽ മിനിമം തീർച്ച ചെയ്യുന്നതു ശരിയല്ല എന്നുള്ള അഭിപ്രായത്തോടുകൂടിഞാൻ യോജിക്കു ന്നു. അതേ സമയത്തു മാക്സിമം തീർച്ചപ്പെടുത്തണമെന്നുള്ള മി. താണു പിള്ളയുടെ അഭിപ്രായം വാട്ടർസപ്ലൈ സ്കീമിന്റെ അഭിവൃദ്ധിക്കു ത ടസ്സവും വാട്ടർസപ്ലൈ അത്യാവശ്യമായ മുനിസിപ്പാലിറ്റികളുടെസൗ കര്യത്തെ തടയുകയുമാണു ചെയ്യുന്നതു്. ജലദുർഭിക്ഷമായ സ്ഥലങ്ങളി ൽ വാട്ടർസപ്ലൈ ചെയ്യുന്നതിനു തങ്ങൾ കൂടുതൽ സംഖ്യകൊടുക്കുവാൻ തയ്യാറാണെന്നു പറയുന്ന അവസരത്തിൽ അതിനു തടസ്സമായി തീര ത്തക്ക ഒരു മാക്സിമം ഈ റഗുലേഷനിൽ തീർച്ചപ്പെടുത്തുന്നതു ശരി യല്ല. മറ്റു സ്ഥലങ്ങളിൽ അതു നിമിത്തം വലിയ ദുഷ്യമുണ്ടാകുന്ന താണു്. ഈ വാട്ടർസപ്ലൈക്കുവേണ്ടി ഇങ്ങിനെ വലിയസംഖ്യ മേടി ക്കുന്നതു് ശരിയല്ലെന്നാണു തിരുവനന്തപുരത്തെ ജനങ്ങൾക്കു തോന്നു ന്നതു. ജലസൗകര്യം തീരെഇല്ലാത്ത സ്ഥലങ്ങളിൽ കൂടുതൽ പണം കൊടുത്തെങ്കിലും വാട്ടർസപ്ലൈചെയ്യുന്നതിൻ പ്രതിബന്ധമായി തീ രത്തക്കവിധത്തിൽ ഒരു റഗുലേഷൻ ഉണ്ടാകുന്നതു ശരിയല്ല. ആല പ്പുഴയിൽ ആലുവാ വെള്ളത്തിനു് ഗ്യാലൻകണക്കിനു് അരചക്രം വീതം കൊടുക്കുന്നുണ്ടു്. അങ്ങിനെയുള്ള സ്ഥലങ്ങളിൽ കരം അഞ്ചു ശതമാ നത്തിൽ കൂടാൻ പാടില്ലഎന്നു് തീർച്ചപ്പെടുത്തുന്ന ഒരു നിയമം പാ സാക്കുകയാണെങ്കിൽ അവിടെവാട്ടർസപ്ലൈസ്കീം ഒരിക്കലും സഫലംകാ ണാൻകൂടി സാധിക്കാതെവരും.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): ആല പ്പുഴയിൽ എത്ര പേർസെന്റേജ് ആകാമെന്നാണു് മെമ്പറിന്റെ അഭിപ്രായം?

MR. P. S. MAHOMED (*Nominated*): പത്തോ പതിനഞ്ചോ പെർ സെന്റേജ് ആകാമെന്നാണു് എന്റെ അഭിപ്രായം?

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MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ഈ പെർസെന്റേജ് മെമ്പറിന്റെ അഭിപ്രായംമാത്രമാണോ; ആലപ്പുഴ നിവാസികൾ ഇതിനു സമ്മതിക്കുമെന്നു് തോന്നുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : ആലപ്പുഴയുള്ള സകല ജനങ്ങളും ഇതിനെ സമ്മതിക്കുന്നതാണു്. ഇവിടെ അതു് സമ്മതിക്കുകയാണെങ്കിൽ ആലപ്പുഴക്കാരുടെ സമ്മതം നിഷ്പ്രയാസം സാധിക്കുമെന്നു് എനിക്കു് ധൈര്യമുണ്ടു്.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*): അവിടത്തെമുനിസിപ്പൽ യോഗങ്ങളിൽ ഈ സംഗതി ആലോചനക്കു് വന്നിട്ടുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : വാട്ടർസപ്ലൈയെ സംബന്ധിച്ചു മുനിസിപ്പൽ യോഗങ്ങളിൽ പലപ്പോഴും ആലോചിക്കുകയും ഗവണ്മെന്റിനോടു് ആവശ്യപ്പെടുകയും ചെയ്തിട്ടുണ്ടു്. ഇവിടെ അതു് ചെയ്യുന്നതിനുമുമ്പായിരുന്നു എങ്കിൽ അതിന്റെ അവസാനം മറ്റു വിധത്തിലായിരിക്കുമായിരുന്നു. അതു് കഴിഞ്ഞശേഷം ആലോചനക്കെടുത്തതുകൊണ്ടാണു് ഈ വിഷമം വന്നു ചേർന്നതു്.

MR. A. THANU PILLAI (*Trivandrum*) : എന്തിനെ അടിസ്ഥാനമാക്കിയാണു് മെമ്പർ പ്രസ്താവിക്കുന്നതു്?

MR. P. S. MAHOMED (*Nominated*) : ഇവിടെ ജോലി ഇടങ്ങുന്നതിനു് മുമ്പായിരുന്നുവെങ്കിൽ ഫലം നേരെ മറിച്ചാകുമായിരുന്നു എന്നാണു് ഞാൻ പറഞ്ഞതു്.

MR. A. THANU PILLAI (*Trivandrum*) : അതിനുള്ള അടിസ്ഥാനം എന്താണു്?

MR. P. S. MAHOMED (*Nominated*) : തിരുവനന്തപുരം മുനിസിപ്പാലിറ്റി ഈ കായ്വും ഗവണ്മെൻറിനോടു് ആവശ്യപ്പെട്ടിട്ടുണ്ടായിരുന്നു. ആ സമയത്തു് ഗവണ്മെൻറു് നിശ്ചയിച്ചിരുന്നു എങ്കിൽ വളരെ സുഖമായി ഈ സംഗതി പാസാക്കുവാൻ സാധിക്കുമായിരുന്നു. അതിനാൽ തിരുവനന്തപുരത്തെ സംബന്ധിച്ചു് ഇത്രയും ചിലവാകുന്നതു കൊണ്ടു് തരക്കേടില്ല. പക്ഷേ അതു് മറ്റു സ്ഥലങ്ങളിലെ സൗകര്യങ്ങൾക്കു് ഉപദ്രവമാകരുതു് എന്നേയുള്ളൂ.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : മറ്റേതു് രാജ്യക്കാരുടെ കായ്വുമാണു് മെമ്പർ പ്രസ്താപിക്കുന്നതു്? കൊച്ചിയിലെ കായ്വുമാണോ?

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MR. P. S. MAHOMED (*Nominated*): അല്ല. രാജ്യത്തുള്ള മറ്റു സ്ഥലങ്ങളെപ്പറ്റിയാണ് ഞാൻ പറഞ്ഞത്. ഈ അഞ്ചു പേർസെന്റേജ് മാക്സിമം ടാക്സായി സമ്മതിക്കുന്നപക്ഷം അതു പലസ്ഥലത്തേക്കും ഉപദ്രവകരമാകുന്നതാണ്. അതിനാൽ ഈ ഭേദഗതിയെ സ്വീകരിക്കുവാൻ നിവൃത്തിയില്ല.

ജനങ്ങളുമായി യാതൊരുവ്യവസ്ഥയും ചെയ്യാതെ ഗവണ്മെന്റു മുനിസിപ്പാലിറ്റിയെ വിശ്വസിച്ച് ഈ കാര്യം ഏല്പിക്കുന്നതു ശരിയാണൊ എന്നുള്ള സംശയിയെപ്പറ്റി ആലോചിച്ചു നോക്കേണ്ടതാണ്. അതു നല്ലതല്ലെന്നു തന്നെയാണ് എന്റെയും വിശ്വാസം. മാക്സിമം നിശ്ചയിക്കാതെ മിനിമം നിശ്ചയിച്ചിട്ടുള്ള ഒരു വ്യവസ്ഥയിന്മേൽ പോകുകയാണെങ്കിൽ അതു മറ്റു പ്രദേശക്കാക്കുംകൂടി ഉപകാരപ്രദമായിരിക്കും.

എന്റെ സ്നേഹിതൻ മിസ്റ്റർ രാമവർമ്മരാജ ചോദിക്കുന്നതു മുനിസിപ്പൽ പ്രസിഡന്റന്മാർ ഗവണ്മെന്റിനെ ഭയന്നിരിക്കുകയാണൊ എന്നാണ്.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I rise to a point of order. The member is discussing the question whether the Municipal Presidents are dependant on Government or not. I do not know whether it is relevant.

MR. P. S. MAHOMED (*Nominated*): That point has been raised in the House.

PRESIDENT It is not relevant.

MR. P. S. MHOMED (*Nominated*): ഏതായാലും മുനിസിപ്പൽ സംബന്ധമായ ഇങ്ങനെയുള്ള കാര്യങ്ങളിൽ ഞങ്ങളാരുംതന്നെ ഗവണ്മെന്റിനെ ഭയപ്പെടുന്നില്ല. ഏതെങ്കിലും സംഗതി ജനങ്ങൾക്കു ഉപദ്രവകരമാണെന്നു കണ്ടാൽ ആ സംഗതി ഗവണ്മെന്റിനെ ധരിപ്പിക്കുവാൻ ഞങ്ങളും ശക്തന്മാരാണെന്നുള്ള എന്റെ അഭിപ്രായത്തെ ഇവിടെ രേഖപ്പെടുത്തികൊണ്ടു എന്റെ പ്രസംഗത്തെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

MR. JOSEPH KUNJU (*Changanachery cum Peermade*): മാക്സിമം എത്രപേർസെന്റേജ് നിശ്ചയിക്കാമെന്നാണ് മെമ്പറിന്റെ അഭിപ്രായം?

MR. P. S. MAHOMED (*Nominated*): പത്തു പെർസെന്റേജ് മാക്സിമം നിശ്ചയിക്കാമെന്നാണ് എന്റെ അഭിപ്രായം.

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RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Sir, the Clause with respect to which the amendment now before the House relates is what has been proposed by the Select Committee to be substituted for sub-section (7) of Section 61 of the Municipal Regulation. It fixes the maximum of 5 per cent upon the annual rental for the yearly water and drainage tax on buiidings and lands or both in municipal areas. It also lays down-I am refering to the Section as it is-that such tax shall be levied only to enable the municipal council to provide for expenses connected with the constructions, maintenance, repair, extension or improvement of water or drainage works heretofore or hereafter to be provided, and the proceeds of the said tax shall be solely devoted to defraying the said expenses. That gives us an indication as to the object of the legislature as regards that provision. Whatever was in the contemplation of the legislature as regards the expression "construction" the idea was that whatever was recovered on this account must be utilised in connection with water works and that the expenses must be if I am not mistaken about the intention, met from the amount recovered on this account. It may be doubtful whether the construction of big water supply schemes like the one now under consideration, involving a heavy outlay, was in the minds of the legislature when this provision was enacted. For, it goes without argument that, with the amount realised from the five per cent maximum that could be levied under this Section, it would not be possible to defray the expenses that have to be met on account of such construction. Even construing the expression 'construction' as referring to the interest upon such outlay, if a state of circumstances has arisen which requires a revision of that provision, I think the legislature will have to reconsider the whole question and see that a workable provision is made to meet the contingency that has arisen. My friend the Law Member candidly stated that the intentions of Government are to see that the amendment now introduced is intended only for the purposes of the Trivandrum Municipality where a heavy capital outlay has been made by the Government and where the undertaking that involved that heavy outlay is nearing its completion. He considered that a change in the law is necessary by reason of the possibility of the town being supplied with water in the course of this year. He explained to us that by reason of this fact a large staff will have to be entertained and heavy expenses to be incurred by way of the maintenance of the works which would be completed. He also pointed out from facts and figures that it would not be possible to meet such charges even though the fullest maximum laid down under the existing Regulation is available and the whole amount that is possible is collected from the residents of the town. He told us that at present, on a two and a half per cent. basis, about Rs. 23,000 are being collected now and leaving a margin at present, the five per cent., even if fully collected, would enable us to have only Rs. 50,000. He also added that for working out the scheme roughly a sum of a lakh of rupees per year may be needed and that unless the Government defrayed the additional expenditure

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from the general revenues of the State it would not be possible to see that the residents of this town are given the full benefit of the scheme now undertaken. He also said that the measure now proposed is intended to be purely a tentative measure and that the whole thing will have to be revised when the new Municipal Bills are discussed by the legislatures. Bearing all these facts in mind, we have to examine whether the amendment now proposed ought to be accepted or not. I am at one with Mr. Thanu Pillai in thinking that something more than the mere assurance of the Law Member is necessary to make the present provision applicable to the Trivandrum town alone. If those are the intentions of Government it would be safer to see that the proposed amendment placed before the Select Committee is introduced as a proviso to the existing Section thereby making the existing provisions applicable to all the other municipalities of the State and making the proposed provision applicable solely to the Trivandrum town. For whatever may be the nature of the assurance when it come to a question of interpretation probably the discussions in the Council will not be looked into and the Section will be considered as it is worded. In the absence of any indication of the restriction that the learned Law Member wants to place upon it, probably those who are called upon to construe the Section will not be prepared to allow that construction to prevail. Under these circumstances, I would make this suggestion that this should be inserted as a proviso. If it is the opinion of the House that the amendment ought to be accepted the proviso should distinctly make it clear that it is applicable only to the Trivandrum town and that the existing provision is left in tact so far as the other municipalities in the State are concerned.

Then as regards the next question as to the advisability of interfering with the provision for the maximum and laying down a minimum that could be fixed as leviable on account of such tax, I am at one with some of the previous speakers in thinking that as a matter of principle such unrestricted powers should not be allowed and that once the legislature has taken the power of taxation and has put down extreme limit to which it can go, I do not see any reason why a departure has to be made, why such a maximum limit could not be fixed in the proposed measure also and if necessary to put in the minimum limit also if conditions require it. But I am not for having the minimum limit alone prescribed here leaving it to the good sense of the institutions which have been authorised to fix the tax as to what that amount should be. I would in this connection lay emphasis upon the fact that this is intended purely as a tentative measure and the maximum limit could, with advantage to either side, be fixed in the light of that fact. The learned Law Member was not in a position to give us facts and figures as to what exactly the maximum should be. In all these matters, it would be more advantageous if this side of the House are apprised of the intentions of Government. Probably Government have not been able to arrive at a decision in the matter because they wanted to know exactly what the actual amounts that may be required as capital outlay on account of this scheme would be and probably they wanted to

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examine and decide what should be the burden that ought to be imposed upon the residents of the town. As pointed out by some of my friends here, it would be rather undesirable to impose upon them a burden that they could not bear. Probably it is that prompted Government not to give a final decision in the matter, leaving such decision to be arrived at a later stage. Now that the work is nearing completion the Government may after looking into the facts and figures decide whether they propose whether they are subsidising the whole thing without expecting any return or whether they intend to expect any return for the capital they have utilised. All these questions may be decided later on and after deciding them they may be able to lay down a general policy as to what should be done in such cases when local bodies come with similar applications for help. Even after arriving at such a decision, they may be able to decide exactly what should be the contribution that they expect from the municipality. After knowing that, they may be able to decide what the maximum amount should be. All these could be done before the new Municipal Bill is placed before the legisiature, and the Government are able to take the non-official section of this House into their confidence and place before them facts and figures in deciding what should be the maximum that should be demanded from the Trivandrum Municipality so far as this work is concerned. But the fact, that the Government are not in a position to give an idea as to what the maximum should be, should not in any way deter the House from tackling the question now. As it is, the learned Law Member has informed us that the cost may be, say, ten per cent roughly of the annual rental of the houses in this town. That may be fixed as the maximum tentatively. It has also to be conceded that the arguments of the learned Law Member that the provisions as they exist now will not enable the Government to meet the expenses and that at least 5 per cent may be necessary are true. Under the circumstances, as a purely tentative measure the proposal to fix 5 per cent as the minimum and ten per cent, that I pointed out, as the maximum may be accepted. I make this as a suggestion because I have to say that I am not in a position to move it as an amendment because the rule requires me to table the amendment in sufficient time.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): If we fix the maximum, why should we fix the minimum?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Why I make that suggestion is this: the learned Law Member has pointed out to us that the whole thing has to be settled by negotiation between the municipality and the Government. In doing this, as the learned Law Member candidly pointed out, it would not be possible to start with anything less than 5 per cent. Therefore it is that I said the minimum may be fixed at 5 per cent and the maximum at 10 per cent. I make this suggestion because it is only intended as a tentative measure. As assured by the Law Member, probably the whole thing has to be revised in one or two years when the legislature will be in possession of facts and will be able to examine the whole situation and see that a workable understanding is arrived at.

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Venkatarama Aiyar says that the whole thing has to be settled by negotiation between Government and the municipality and that none of us is in a position to state the exact amount that is required. Suppose it is found that 7 per cent is to be paid or even say 3 per cent. Is it not better that the percentage is fixed once for all than to leave it to an unalterable minimum. It is found on calculation and negotiation the percentage comes to 3. What is the view of the Deputy President?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I appreciate the suggestion of my friend that as facts stand, will such a contingency arise here? The Additional Head Sirkar Vakil tells us, that, when worked at 2½ per cent basis, the sum totals up to 23,000 rupees.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Suppose the number of buildings increase and the rental goes up?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): There is a margin of Rs. 2000 working on the basis of 5 per cent—you get a return of Rs. 50,000. So roughly, for a lakh of rupees, 10 per cent may be needed. Therefore I suggest that.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member whether he knows the present annual income of the Trivandrum Municipality?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): In the light of whatever is recovered on this account that sum must be earmarked for expenses. I make this as a suggestion and trust that both sides of the House will accept it. Further, the Law Member said, that the scheme is only a tentative measure just to arrive at a workable understanding.

MR. A. THANU PILLAI (*Trivandrum*): Is the member aware of the present income of the municipality? How much tax is paid by the people as a whole in a year and how does the figure he mentions now compares with the income?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I have not looked into the actual figures. I base my argument on the figures that are placed at the disposal of the House at the moment. The figure I have said is only a suggestion.

MR. M. GOVINDAN (*Nominated*): Is the member aware that the income of the Trivandrum Municipality is about 1½ lakhs?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I am not aware of the exact figures. Probably the Trivandrum Municipality may be having a balanced budget.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know from the member, what is there in the Bill to show that this is only a tentative proposal?

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RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I started by saying that it is upon the assurance given by the Law Member that I based my argument. Therefore I suggest, to avoid confusion, the whole thing be introduced as a proviso. Further a change may be made in the law to the effect that it should expressly apply to the Trivandrum Municipality alone. This provision should not affect any other municipality before the new Bills that are going to be introduced becomes law.

MR. A. THANU PILLAI (*Trivandrum*): By what percentage does the member want to increase the burden of the Trivandrum Municipality on account of water cess?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Certain fiures were brought to light by the Law Member and it is upon those figures, I have worked out my percentage of ten per-cent.

MR. A. THANU PILLAI (*Trivandrum*): Is that figure reached with reference to the capacity to pay from the point of view of the individual citizen?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I only repeat what I have said, namely, my suggestion is only made in the light of the facts and figures supplied by the Law Member, more over it is only a tentative measure. If it passes, it will only be for two years.

MR. S. KRISHNA PILLAI (*Karunagapalli*): What does he mean by calling this as a tentative measure as if an unalterable measure can be passed by this House?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): I concede that any measure passed by this House is subject to alterations by amendments that may be accepted by this House. The Law Member himself said that the Bill if passed will duly at best be in force for two years, because a comprehensive Bill relating to municipalities will be introduced soon when the legislature will be able to tackle all questions that are being exchanged now, in a satisfactory manner.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Even if this is not passed, does not the member think that the other Bill will have to be pushed through?

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Then contingencies will arise when the general revenues of the State will have to meet the additional expenses needed for the payment of establishment charges. We have listened to-day to some of our friends who took objection to the fact that on principle, a tax-payer in a mofussil should not be made to contribute to the amenities enjoyed by a town folk. It is in the light of that, I make the suggestion. A municipality which enjoys, must expend from its own resources, *i. e.*, from

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the funds paid by the residents within its area. Whether it is necessary to allow contributions from the general tax-payer or whether the persons who enjoy the amenities should pay for such comforts, it is bearing all these in mind, I have made the suggestion of 10%. If necessary I am prepared to move it in the form of an amendment if you, Sir, suspend the rules relating to sending of amendments.

PRESIDENT: There are also one or two amendments in the list. Let me have the views on that.

MR. M. GOVINDAN (*Nominated*): I also like to move an amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What has Mr. Govindan to say about my amendment "not exceeding 7 per cent."?

MR. M. GOVINDAN (*Nominated*): Now there is a suggestion made by the Deputy President. Probably—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably Mr. Govindan himself may move the same suggestion as an amendment.

MR. M. GOVINDAN (*Nominated*): With the permission of the Chair. I wish to move that the following be substituted "at the rate of not more than ten per cent." for the words "not below five per cent"

I agree with Mr. Thanu Pillai in his view that it is against principle to fix a minimum. The proper thing for a legislature is to fix a maximum in the matter of taxation. As it is a maximum that I desire to suggest, naturally, it must be a little higher than the minimum. So, I think 10 per cent. under the circumstances would be equitable from the point of view of the general tax-payer.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Am I to take it that the expression "not below five per cent" be omitted *i. e.*, a minimum need not be fixed and a maximum alone should be fixed?

MR. M. GOVINDAN (*Nominated*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): My amendment also more or less is an adapted form of Mr. Govindan's amendment. In that case, why not allow discussion on that also, Sir?

PRESIDENT: Probably he is not satisfied with that?

MR. M. GOVINDAN (*Nominated*): Though both the amendments are similar in spirit, there is difference. I have suggested 10 per cent.

MR. A. THANU PILLAI (*Trivandrum*): Am I to understand from the member that—

PRESIDENT: Allow him to proceed, please.

MR. A. THANU PILLAI (*Trivandrum*): I have one question to ask. May I know from the member the burden per head of the population of Trivandrum town by way of house tax and other charges levied by the municipality?

MR. M. GOVINDAN (*Nominated*): I have not worked out the percentage.

MR. A. THANU PILLAI (*Trivandrum*): By what percentage would he enhance it on account of water cess?

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MR. M. GOVINDAN (*Nominated*): I should thank the member if he is in a position to tell us that.

MR. A. THANU PILLAI (*Trivandrum*): Now he has suggested 10 per cent. On what basis has he arrived at that? I would like to know what answer he proposes to give?

MR. M. GOVINDAN (*Nominated*): It is simply my rough calculation.

MR. A. THANU PILLAI (*Trivandrum*): On what data does the member fix that suggestion of 10 per cent?

MR. M. GOVINDAN (*Nominated*): I want only a maximum to be fixed. It can be even one or two per cent. All that I would say is, the municipality should be asked to fix in consultation with its members.

MR. A. THANU PILLAI (*Trivandrum*): Does the member realise that the Government are not satisfied with fixing a maximum of 5 per cent. as I proposed because they want to levy a higher rate. So, I ask, by what percentage would the present burden of a Trivandrum Municipal inhabitant be enhanced?

MR. M. GOVINDAN (*Nominated*): In fixing a percentage all that I say is that the municipality should not impose more than 10 per cent. tax.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ഈ പത്തു ശതമാനംകൊണ്ടു വക്കിംഗ് എക്സ്പെൻസ് നടക്കുമോ?

MR. M. GOVINDAN (*Nominated*): വാസ്തവം പറയുന്നതായാൽ ഈ പെർസെന്റേജ്കൊണ്ട് ഒന്നുംപോര. യഥാർത്ഥമായി ഗവണ്മെന്റു ജനങ്ങൾക്കു ന്യായംചെയ്യണമെന്നു ഉദ്ദേശിക്കുന്നു എങ്കിൽ ഈ പത്തും പതിനഞ്ചും പെർസെന്റേജ് ചോദിച്ചാൽ പോര. എല്ലാവക്കും പ്രയോജനകരമായ ഈ തലസ്ഥാനത്തു് അതിനുവേണ്ടി കൂടുതൽ പണം ചിലവാക്കാൻ ഇടയായതുകൊണ്ടു ജനറൽ ടാക്സ് പേയേർസ് കുറെ ക്ഷമിക്കാതെ നിവർത്തിയില്ല.

MR. TARIATU KUNJITOMMAN (*Commerce and Industry, North*): ക്യാപിറ്റൽ വ്വക്ക് എന്നു് ഞങ്ങളെ പറഞ്ഞു് ധരിപ്പിച്ചിട്ടാണു് ഇതിനെ ബഡ്ജറ്റിൽ കൊള്ളിച്ചിട്ടുള്ളതു്. അതിലേക്കു് പ്രതിവർഷം വേണ്ടിവരുന്ന സംരക്ഷണച്ചിലവെങ്കിലും ഈടാക്കാതിരിക്കുന്നതു് കഷ്ടമല്ലെ?

MR. M. GOVINDAN (*Nominated*): ആ വക സംഗതികളെക്കുറിച്ചു ഗവണ്മെന്റിനും മുനിസിപ്പാലിറ്റിക്കുമായി ഒഴുത്തുകുത്തുനടത്തി മേലും തീരുമാനിക്കാമെന്നുള്ളതുകൊണ്ടു ഞാൻ പറയുന്നതു് ഫ ൦ ശതമാനം എന്നാക്കുന്നതു് ഒന്നിനും പ്രതിബന്ധമായിരിക്കുകയില്ല എന്നാണു്. There is no hardship to be felt in fixing the maximum at 10 per cent. I am in substantial agreement with the spirit of Mr. Thanu Pillai's

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amendment. Municipality is a popular body representing all shades of opinion. More than what a tax-payer cannot bear shall never be imposed by any municipality.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether the member restricts this amendment to the Trivandrum Municipality?

MR. M. GOVINDAN (*Nominated*): No.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): Is not the member aware that the Law Member himself assured us that this provision is intended to be applied only to the Trivandrum Municipality?

MR. M. GOVINDAN (*Nominated*): May be.

RAO BAHADUR A. VENKATARAMA AIYAR (*Nominated, Deputy President*): In the light of that, is it not introducing a change?

MR. M. GOVINDAN (*Nominated*): I have no objection to suggest an amendment in that matter. All that I want to say is that "not exceeding ten per cent" be substituted.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): In view of the fact that we have fixed a maximum only, is it necessary that this should be restricted to Trivandrum Municipality alone?

MR. M. GOVINDAN (*Nominated*): Not necessarily so. To arrive at some unanimity in such matters is only fair to all municipalities. So I move that "not below 5 per cent." be omitted and "not exceeding 10 per cent." be substituted in its place.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I second the amendment of Mr. Govindan.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, I want to speak a word on Mr. Thanu Pillai's amendment.

PRESIDENT: The amendment of Mr. Govindan is now before the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): For that matter, I have my own amendment in the printed list.

PRESIDENT: In order to save time I propose to take votes on Mr. Govindan's amendment.

MR. A. THANU PILLAI (*Trivandrum*): May I make one suggestion?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What I wish to submit in this connection is this.

PRESIDENT: Do you speak on Mr. Govindan's amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Mr. Govindan's amendment comes along with mine, because both fixes a maximum. In my view, Sir, both should be discussed together and voted on.

PRESIDENT: You may speak.

MR. A. THANU PILLAI (*Trivandrum*): May I make one suggestion? In the Bill it is stated "not below 5 per cent." My amendment is "not exceeding 5 per cent." Mr. K. P. Nilakanta Pillai's amendment is "not

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exceeding 7 per cent." There is Mr. Govindan's amendment which suggests "not more than 10 per cent." Since the latter amendment has been allowed to be discussed, my submission is this. All these amendments be discussed together and the amendment which gives the smallest figure be voted upon first. In case my amendment is lost, I can vote for 7 per cent. amendment. If that also is lost, then I can vote for 10 per cent.

PRESIDENT: I will try to save time. Mr. K. P. Nilakanta Pillai, you may now move your amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I beg to move that "7 per cent" be substituted for "5 percent" in the original amendment. Many members on this side of the House find it difficult to arrive at a particular percentage on account of the inability of the Law Member to furnish the House with necessary facts and figures. Sir, last time when the Bill was introduced, it was this provision that made us to oppose the Bill. Then the Law Member stated that if the House agreed to the general principles of the Bill, he had no objection to consider and fix a reasonable percentage at the Select Committee stage. Now, after about six months, we meet again and hear the same reason that they are not in a position to furnish the necessary facts and figures before the House so that the House may be enabled to come to an understanding with regard to the maximum percentage which may be fixed with reference to this point. Sir, the Law Member, when he was replying to the amendment, laid down three definite points which he advocated before the House. The only object which is intended by this Bill is to impose upon the municipality an amount which will cover at least the working expenses. That is the first proposition. Secondly the Law Member assured the House that it is not intended by this Bill to get more than what is required for the working expenses. Thirdly, the Law Member stated that approximately a lakh of rupees will be the working expenses for pushing on with this scheme. Sir, basing my argument on these three points, I propose to convince the House, with facts and figures, that 7 per cent. would be enough to satisfy these three points. (The figures which I rely upon are those which the Chief Secretary and the learned Chief Engineer gave to the House last time).

Sir, there are two ways of looking at the question. Conceding the Law Member's proposition that a lakh of rupees is needed to meet the working expenses of the scheme then what ought to be the rate or percentage to be fixed so that the municipality may meet the expenses. The latest scheme that has been started in India is the Bangalore scheme. There for realising Rs. 3½ lakhs the tax imposed by the municipality is only 4 to 4½ per cent. Not only the working expenses but certain other calculations also were made and the municipality found that Rs. 8½ lakhs had to be realised from the citizens residing in the Municipality to meet the working expenses plus some interest on the capital outlay, depreciation charges and other things. For meeting that Rs. 3½ lakhs, the tax imposed upon is only 4 to 4½ per cent.

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MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): May I know whether the member has any idea of the annual value of buildings in Bangalore as compared with that in Trivandrum?

MR. K. P. NILAKANTA PILLAI (*Chiayinkil*): As to the difference, Sir, not only the buildings differ, but the importance of the city, the industrious state of the city, with reference to all these, absolutely there cannot be any comparison with Trivandrum, which is several times poorer.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): What is the 4 per cent. of the annual value in Bangalore as compared with the annual value here?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It will not stand comparsion. That is what I say.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): How is the member able to arrive at any sound conclusion without comparing the 4 percent. rental value there and the 7 per cent. rental value here?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Whatever may be the rental value, my argument is that, to cover a working expenses of Rs. 3½ lakhs, the percentage of tax is 4½.

MR. K. GEORGE (*Chief Secretary to Government*): Does the member know the items of contribution by which this Rs. 3½ lakhs is arrived at?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am now meeting one point of view of the Law Member. It is the intention of the Law Member to impose a tax upon the municipality simply to meet the working expenses which come to a lakh of rupees. If this is so, I ask the question whether the 7 per cent. which I propose is not sufficient. According to the existing Regulation 2½ percent is imposed and the income derived by the municipality is about Rs. 26000 or Rs. 30,000. Therefore, by making it 7 per cent. of course the municipality will be getting about Rs. 90,000 out of the enhanced tax and to meet the working expenses of Rs. one lakh there is not much difference. Some members were advocating that much money has been spent for the amenities of the Trivandrum Municipal town at the expense of the general tax-payer. I may even suggest that Government are making a gain out of the electric supply scheme, about Rs. 50,000 per year.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What is the amount contributed on account of the electric charges in Government buildings?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I do not exactly know. I think provision is made for that also. Now it is a capital expenditure. No one directed the Government to undertake it on their own responsibility. They undertook street lighting and also supply to private persons and out of that they are making a gain of Rs. 50,000 per annum. Therefore if there is grievance from members from the moffussil that the general taxpayer's money is spent irregularly for the

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amenities of the citizens of the Trivandrum town, such profits out of other schemes may also be diverted to meet the expenditure on account of the water supply scheme. That is my point. In Bangalore the water supply scheme on the whole costs about Rs. 50 lakhs. Here also to complete the first stage of the scheme it may come to roughly about Rs. 50 lakhs. Therefore if I remember the figures correctly, in Bangalore Rs. 25 lakhs were given by the Government as an outright grant towards the scheme and the remaining Rs. 25 lakhs-the Chief Secretary is shaking his head in a negative way. I shall quote what he said last time.

MR. K. GEORGE (*Chief Secretary to Government*): It is not a new scheme. The new scheme is at the Government's Cost.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it Bangalore Scheme?

MR. K. GEORGE (*Chief Secretary to Government*): Yes.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): This is what he said, "Rs.25 lakhs has been given as an outright grant."

With reference to the three alternative schemes suggested by the Chief Secretary (1) to incur capital expenditure and simply impose a tax upon the municipality to meet the depreciation charges etc. and working expenses and interest on the capital or, (2) to give Rs. 25 lakhs as part grant to the municipality and then take interest on the remaining Rs. 25 lakhs, and also the working expenses calculated on these things or to come to a figure which will be enough for meeting the expenses in connection with the scheme, or (3) to calculate the whole interest on the capital which the Trivandrum Municipality is expected to meet. Therefore even according to the Chief Secretary the only alternative is to accept the second suggestion, that is to consider Rs. 25 lakhs as outright grant and calculate interest on the remaining 25 lakhs and working expenses to be borne by the municipality. The interest on the remaining 25 lakhs will come to about Rs. 1,25,000 at 5 1/2 per cent.; but they can have no objection if a lower percentage of interest is charged, say 4 per cent. If that is accepted the amount will be lowered further. Then the annual payment the municipality will have to make at 4 per cent. may come to about Rs. 1,00,000; and including the Rs. 1 1/2 lakhs, the total will come to about Rs. 3 lakhs approximately. They propose to get an income out of the Municipality of Rs. 1 1/2 lakhs. When I ask the question if it is intended by this measure to tax the municipality to the extent of meeting these expenses, I say 7 per cent. could be taken as a very fair rate. I said there may be something wanting to make up the percentage. Anyhow, the figures that I have given are only approximate.

MR. K. GEORGE (*Chief Secretary to Government*): By fixing 7 per cent, we will get only three times what we now get.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): At 2½ per cent. it may come to Rs. 30,000. I rely on figures supplied by the Chief Secretary and the Chief Engineer. I say the learned Deputy President suggested

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[Mr. K. P. Nilakanta Pillai.]

that, if the present Bill is only a tentative measure to be worked tentatively and to be changed in view of the experience that we get out of the actual working of the system I ask the question why 7 per cent. should not be accepted as a tentative measure. No body now seems to be in a position to know the paying capacity of the rate-payers of the Trivandrum Municipality. One thing we all know. The existing Regulation was passed some years back and the Trivandrum Municipality was being given the power to tax the citizens up to the maximum of 5 per cent. But they never attempted it. That clearly shows that the citizens are not in a position to bear even the 5 per cent taxation. Now by my amendment I am enhancing the taxation roughly by 200 per cent. Therefore I am asking the question whether any body can propose any other method by which the innocent citizens of the Trivandrum Municipality, who never knew what the consequences of this costly scheme would be, could be taxed more than 200 per cent. That is the most important question which the members on this side of the House have to consider.

MR. K. GEORGE (*Chief Secretary to Government*): After fixing the maximum, are we not to consider the possibility of a drainage tax?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes. The whole section is inclusive of both water supply and drainage. The existing taxation is both for water and also for drainage; and now the proposed enhancement is only for water supply. The drainage charges are even now met by the municipality. As a matter of fact the Trivandrum Municipality is a sleeping municipality. It has not undertaken any excellent or useful drainage system. It has yet to do it. Anyhow the Section allows them to collect taxes for drainage also. The present tax collected includes both house tax and drainage tax. Anyhow they have not differentiated. On these grounds I propose my amendment, and if it is found by actual working that the percentage now fixed is not sufficient, we may get more accurate figures and consider whether we cannot go a step in advance.

MR. RAMA VARMA RAJA (*Edavagai*): I second it.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Sir, I would give my emphatic support to the motion of Mr. Thanu Pillai. Now that 2 or 3 amendment motions are before the House, I would submit that I would give my first preference to Mr. Thanu Pillai's motion, second perference to Mr. Nilakanda Pillai s motion and my third prefernce to Mr. Govindan's motion. But the whole difficulty as Mr. Nilakanta Pillai has just now pointed out, rests on the fact that Government have not been able to enlighten us as to the extent of the financial burden that the fixing of a minimum may cost upon an average citizen. Sir may I ask the Government what is the rate fixed for the house tax? The Regulation fixes a maximum of 5 per cent. But what is the rate at which house tax is actually levied. Sir, it has not gone beyond $2\frac{1}{2}$ per cent. and even this rate the average citizen of

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the Trivandrum Municipality is unable to pay. In these circumstances, my submission is, it is neither fair nor just to expect the citizens to pay more for water than what they pay for their houses. Therefore, my submission is that it is certainly unfair, particularly in view of the present economic distress, to fix the maximum beyond 5 per cent. For these reasons, as already pointed out, I would support Mr. Thanu Pillai's motion, failing which, and in case the voting is to be made in the order suggested by Mr. Thanu Pillai, I would give my vote according to what I submitted.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I am really surprised at the stand that Government have taken with regard to my amendment. The question was put by the Law Member as to how it was that the municipality or this Council or the member who represents the Trivandrum Municipality in this Council did not object to the scheme before this, that this House sanctioned the funds and that the scheme was taken in hand and he said that this is not the time to come forward and object to it. Sir, I little expected such a contention from Government. They are not even to-day able to supply us with details as regards the financial aspect of the scheme. Whenever a Government or a corporation or other body undertakes a scheme like this, the first thing that they should do is to work out the details of it not only from the point of view of the Engineer but also from the financial point of view. But the Government never cared for it. Last time when this matter was discussed the Chief Secretary told us very clearly that the Government thought that it was a necessary scheme and that they wanted to adopt it and to work it whatever the cost. That was what he told me. I myself interpellated Government as regards the burden that would be imposed upon the Trivandrum citizen in consequence of the scheme on more than one occasion before. And I must tell the House that Government were not then in a position to give me an answer. If they were not able to give me an answer is it my fault, I ask; and is it not the fault of the Government that they are even to-day not in a position to supply me with an answer. They may say, of course, that the working expenses may approximately come to one lakh of rupees or that they may come to Rs. 1½ lakhs. But the businesslike statement of the expert based upon forecasts is not forthcoming. Even now it is only a vague guess, not the expert's forecast but a guess, pure guess.

As regards the municipality not objecting, all that they said, even according to what the Law Member now states is that they suggested that the water supply scheme would be beneficial. They were never told what the cost of the scheme would be or that they would have to bear a substantial portion of it. Nothing like that happened and so nobody can be taken to task for not objecting to it. Beyond all that when the Government undertake a beneficial scheme, do they expect any reasonable being to come forward and say—'No, do not do this?' Of course, if the Government inform the municipality that if the scheme was taken up the working expenses would have to be borne by

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[Mr. A. Thanu Pillai.]

them and what the burden would be and asked them whether they wanted it, certainly the municipality would have considered it. Government said that they did not consider that aspect of the matter. So, that contention cannot bed raised at all.

Sir, the main questions are these. It is not merely a question of the cost, the interest on the outlay, the outlayitself and the cost of working the scheme. There is the equally important, and I may say even more important, point of view, *viz.*, the capacity of the people to pay. Now, many of my friends on this side of the House who merely emphasised the cost of the scheme and the working expenses forgot to take into account the capacity of the citizen to pay. I should maintain that this is the prime consideration. If the municipality could not afford sufficient funds, the municipality would not have gone for such a scheme and the municipality has no business to go in for it when it sees that under existing conditions the inhabitants would not be able to meet the cost. That is a position that cannot be controverted. So, that aspect of the matter should receive the earnest consideration of this House.

MR. M. GOVINDAN (*Nominated*): What are the data which enable the member to say that the municipality will not be able to raise the money to meet the working expenses?

MR. A. THANU PILLAI (*Trivandrum*): The member is himself a member of the Trivandrum Municipality and does he make the statement here that the municipality will be able to divert a lakh of rupees out of its funds to the credit of the water supply scheme?

MR. M. GOVINDAN (*Nominated*): The member said that the people are incapable of bearing the burden of any increase in the tax. I want to know on what data he bases his statement?

MR. A. THANU PILLAI (*Trivandrum*): Does the member say that the Trivandrum People are in a position to do it? Sir, I make the statement on this solid fact that the Trivandrum Municipality is doing very little by way of real municipal work. I am an inhabitant of the town. The place near my residence is kept in a highly insanitary condition. Why not the municipality raise the tax from the present $2\frac{1}{2}$ per cent. of the annual rental value and attend to municipal work better and attend to lighting better. Why do they neglect the lanes and allow them to remain in a highly insanitary condition, unfit for human approach?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. This is not relevant to the debate on the amendment before the House.

PRESIDENT: You should be briefer Mr. Thanu Pillai.

MR. A. THANU PILLAI (*Trivandrum*): At present the municipality is allowed to raise the rental but it has not done so, not because it has ample funds but because the persons residing inside the Munici-

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municipality are unable to pay more My own impression is that the municipality is labouring under deficiency of funds and the Government are even to-day helping them. I think this year's Budget provides for Rs. 15,000 or Rs- 18,000 as grant to the Trivandrum Municipality. What does it show ? Certainly that the municipality has not got surplus funds.

A Water Supply Scheme for Trivandrum is a necessity. I concede that. The point was raised that it is after all a scheme beneficial only to the Trivandrum citizen. Sir, even though at the risk of repetition, I should emphasise this fact. If we want a State, we want a capital and, we have it here. We want colleges, we want important public offices, the law courts and so forth in the capital. We have got all these institutions in the town of Trivandrum. There is the Huzur Secretariat. The Dewan's Office is held here. The High Court, the offices of the more important of the Heads of Departments, the Government Colleges, are all in this city of Trivandrum. Now, such a place is necessary and we must also remember that Trivandrum has become congested and has come to stand in need of a water supply scheme, not because it is an industrial city or a highly commercial city but simply because it is the headquarters of the State, simply because of the offices, the colleges and the courts here. That, I take it, will be conceded to be a national concern. It is not for the benefit of the Trivandrum citizen alone that this city has grown. It is a necessity for the State. Then, if we want the colleges, the hostels, the High Court, the Secretariat, and so forth we want all these institutions in a healthy city. We want the city to maintain a high standard of public health so that the country itself may not suffer. So I maintain, Sir, in spite of all opinion to the contrary that this is a national concern—the capital of the State and the well-being of the capital—and public funds ought to be spent for it, especially in a country like ours where the city cannot take care of itself for want of funds. Under such conditions, public funds must be used. I am also prepared to concede—and I never deny that fact—that other important towns, for instance, Alleppey, which is the commercial capital of the State, also must be helped if necessary from the public funds so far as public funds would permit. There is no point in saying that it is all to the benefit of the Trivandrum citizens. If it is conceded that this is a national concern, then public funds must be provided. What is the use of taxing the Trivandrum Citizen beyond his capacity, especially at this time of great economic distress ?

Now, the proposal is seriously put forward as a tentative measure. Sir, is this the time to increase the burden on the rate-payer or the tax-payer ? You say that it is a time of extraordinary pecuniary distress and grant remissions and in this matter alone, so far as the citizen of Trivandrum is concerned, you increase his burden very much. I put the question by how much will you increase this burden?

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[Mr. A. Thanu Pillai.]

Now it is about Re. 1 chs. 14 per head of the population. By adopting this 10 per cent maximum, the citizen of Trivandrum who is already paying Rs. 1¼ will be asked to pay all at once Rs. 2½ instead. Is this right, I ask, especially at this stage? I would say emphatically no. So, I cannot support this 10 per cent-maximum. We must be content with the 5 per cent-maximum for the time being. It has also been observed that the City Municipal Bill will soon be considered by the new Legislature. It will be time for us then to consider the thing in the two Chambers by larger bodies at greater leisure. Let us, for the time being, be content with this 5 per cent.maximum. We are not going to lose much; and, after all, even though Mr. Westerdale has been promising us pipe water the fulfilment of the promise has been put off and if we can judge things from the existing conditions, I do not think we shall be able to get pipe water in the course of this year either, because the dam is not completed, and, near the observatory hill, I find the high level reservior just emerging out of the earth. When such is the progress, of the works where is the hurry about this measure? I would in all seriousness suggest to the House—let us be content with the 5 per cent. Let us not go beyond it till the time comes; and when the new Legislature meets, it will be time for us to consider this along with the Bill which will deal with all municipal questions.

Sir, the point was again and again emphasised that this Bill will relate only to the Trivandrum Municipality. In a matter like this again at the risk of repeating, I must say that that is not the way to view things.

I do not think that any other substantial point was raised. Mr. P. S. Mahomed said that other towns would suffer. Even in the case of other towns, if they want a scheme like this, it is a matter for consideration whether they would go beyond the 5 per cent. maximum. Again, the Bill relating to all municipalities will be considered and why should we at this time of economic distress increase it and make it double and there is no reason why under suitable conditions the State finances should not be made available for a town like Alleppey.

Sir, I do not want to take more of the time of the House. I have made my position clear and I hope this House will support my amendment.

PRESIDENT: Mr. Nilakanta Pillai, have you anything to say?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have nothing more to add.

MR. M. GOVINDAN (*Nominated*): I should have liked to support my friend Mr. Thanu Pillai in every respect. Of course, if the most important contention of his is that it is not the minimum but that it is the maximum that has to be prescribed, I would have supported. But when he says that 6 chuckrams per head per mensem is too high a taxation in a municipality, I disagree with him.

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MR. A. THANU PILLAI (*Trivandrum*) : May I know from the member whether it is a fact that the Trivandrum Municipality has passed a resolution that the watercess should not be enhanced at all and that the present maximum of 5 per cent should be retained?

MR. M. GOVINDAN (*Nominated*) : I am not in possession of that fact. If there is such a resolution, it does not improve matters. That is my idea and perhaps it is a justification for the anticipation of Government that there will be a degree of disinclination for taxation exhibited by the Trivandrum Municipality and therefore it is that a minimum and not a maximum has to be prescribed. Very often the question was asked by my friend about the data. I am surprised that while he himself is not in possession of data or any comparative figures in regard to other municipalities he should be only putting this question without any constructive idea regarding what may be done in the matter. Somehow or other, we have spent a lot of money and some amount has to be realised annually and, in doing so, we should be fair to the general taxpayer also and all that my amendment connotes is that a fair margin should be allowed for discretion to be used, particularly in view of the fact that we are not in possession of any reliable data.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know from the member whether the Trivandrum Municipality is not pressing upon Government for loans time after time?

MR. M. GOVINDAN (*Nominated*) : That is because the Trivandrum Municipality is perhaps not quite ready to tax as it ought to.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know from the member why, when the municipality is given the power to raise the tax up to 5 per cent. it has not attempted to enhance the tax beyond 2½ per cent?

MR. M. GOVINDAN (*Nominated*) : If my friend is prepared to blame the municipality for that, I am prepared to blame the municipality all the more.

MR. A. THANU PILLAI (*Trivandrum*) : May I know from the member whether the municipality did not consent to a proposal brought forward for increasing the tax?

MR. M. GOVINDAN (*Nominated*) : It is not that. There is a sort of general disinclination to the enhancement of any tax. It is a common weakness of all Travancoreans and perhaps of others also. That is the reason.

With these few words I would request the members to wholeheartedly support my amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I have got only a few observations to make. It has been stated here that the water works were started by Government on their own responsibility and practically without telling anybody anything about it. I may remind the House that every year the amount of capital required for this scheme was placed before the House for its vote and

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[Mr. Kalayalam Parameswaran Pillai.]

was voted upon by them and I believe the House knew what it was doing. Now, Sir, if this House voted for this expenditure, it may be taken that as business men the members knew what the consequences were. I venture to say that they should have thought as to who should pay for the working expenses of the scheme.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): What prevented the Government from ascertaining the views of this House on this matter as they did on the Pallivasal Scheme?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The views of the House were certainly ascertained at the time when the capital expenditure was submitted to their vote and the House voted the amount and at the last Budget meeting Rs. 9½ lakhs was voted for this scheme.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): This aspect of the question was never discussed in the House then.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not quite sure. But the House voted for it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Was it ever discussed in this House?

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Was occasion ever given for discussing this measure here?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes; when the demand was placed before the House. Now after Government have obtained sanction of the House, the only question is whether the working expenses should be met by the general tax-payer or by the Trivandrum Municipality. I am sure the House will agree that the general tax-payer should not be called upon to meet the working expenses of this scheme. It is intended for the benefit of the Trivandrum citizens. I shall not say more upon that. As I said, the working expenses will come to a lakh or a lakh and a half. The house-tax is about Rs. 25,000. A 10 per cent-cess will come to about a lakh of rupees. I do not know how Mr. K. P. Nilakanta Pillai arrived at seven per cent.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If my figures are not correct, I wish to know whether the member is in a position to give the House definite figures?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A revision of the house-tax is about to take place. At present it is only Rs. 23,000 or Rs. 25,000. The least that we can think of is Rs. 50,000. We are thinking of collecting one lakh of rupees by imposing ten per cent. The question can be raised whether one lakh can be raised by 10 per cent. Mr. Govindan says that the clause may be so altered as to allow the municipality to tax up to 10 per cent. Having regard to the objection raised to the fixing of the

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minimum as a statutory provision I am prepared to yield to the point particularly because I have made it clear in this House that what the municipality will be called upon to contribute will be not less than five per cent. I am prepared to accept Mr. Govindan's amendment fixing a maximum that will be put as 10 per cent., but no minimum.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know whether Government will undertake to state that it will not be applicable to any municipality other than Trivandrum?

MR. A. THANU PILLAI (*Trivandrum*): May I know whether the Government are in a position to tell the House whether the Trivandrum Municipality has passed a resolution that no more tax should be enhanced?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I claim notice of it.

MR. A. THANU PILLAI (*Trivandrum*): When this Bill is being discussed, notice is being claimed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even Mr. Govindan, a member of the Trivandrum municipality says that he has no information.

MR. A. THANU PILLAI (*Trivandrum*): Is not the member aware of the fact that the Trivandrum Municipality has passed a resolution and forwarded it to Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am clear in saying that I am not aware of that. If the member had asked before we rose for lunch, I could have in the interval ascertained the matter.

PRESIDENT: There are three proposals before the House in regard to the water-tax. The Select Committee has proposed that there should be a minimum of five per cent. But there are three amendments to delete this minimum and propose three different maximums. Mr. M. Govindan proposed a maximum of ten per cent. Mr. K. P. Nilakanta Pillai wanted a seven per cent. and Mr. Thanu Pillai a five per cent. and I shall take Mr. Govindan's amendment first.

MR. A. THANU PILLAI (*Trivandrum*): I beg to be excused for making a suggestion.

PRESIDENT: No, you cannot. I want to make it plain that in voting on Mr. Govindan's amendment, those favouring seven per cent. and those in favour of five per cent. must vote against it. Similarly when putting Mr. K. P. Nilakanta Pillai's amendment those favouring ten per cent. and five per cent. must vote against it. If all the amendments are lost, then of course, the minimum of five per cent. will stand.

Mr. M. Govindan's amendment is to delete the words "*not below five per cent*" and substitute "*not exceeding ten per cent.*"

The amendment was put to the vote of the House and carried, 34 voting for and 2 against.

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MR. A. THANU PILLAI (*Trivandrum*): I demand a poll.

A poll was taken with the following result.

AYES—36.

1. Mr. K. P. Abraham	20. Mr. M. Mahomed Mustapha
2. ,, K. C. Chandi	21. ,, P. S. Mahomed
3. ,, S. Chattanatha Karayalar	22. ,, E. G. McAlpine
4. ,, A. S. Damodaran Asan	23. ,, M. N. Narayana Menon
5. ,, R. Dhanukoti Pillai	24. ,, K. Narayanaperumal Nadar
6. ,, K. George	25. ,, A. Narayana Pillai
7. ,, K. Gopalakrishna Pillai	26. ,, B. Narayana Pillai
8. ,, M. Govindan	27. ,, N. Nilakanta Pillai
9. ,, N. John Joseph	28. ,, R. Nilakanta Pillai
10. ,, K. C. Karunakaran	29. ,, K. Padmanabha Panikkar
11 ,, K. I. Kocheeppan Mappillai	30. ,, N. K. Padmanabha Pillai
12. ,, K. P. Kochukora Tarakan	31. ,, Kayalam Paramesvaran Pillai
13. ,, K. Krishnan Nayar	32. ,, S. C. H. Robinson
14. ,, E. V. Krishna Pillai.	33. Dr. B. L. Slater
15. ,, Tariatu Kunjitomman.	34. Mr. C. N. Srirenganatha Sastri
16. ,, A. Kumara Pillai	35. Rao Bahadur A. Venkatarama Aiyar
17. Rao Sahib Dr. N. Kunjan Pillai	36. Mr. J. S. Westerdale
18. Mr. C. O. Madhavan	
19. ,, M. P. Madhavan Pillai.	

NOES—2.

1. Mr. K. P. Nilakanta Pillai	2. Mr. Rama Varma Raja

NEUTRALS—

1. Mrs. Anna Chandi	4. Mr. K. Madhavan Pillai.
2. Mr. N. K. Krishna Pillai.	5. ,, K. P. Madhavan Pillai
3. ,, S. Krishna Pillai.	6. ,, A. Thanu Pillai

MR. A. THANU PILLAI (*Trivandrum*): I wish to make a statement in regard to that. I beg to state that ten per cent. was accepted by the Government. There is no use of voting on it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I move—

In clause 3. (7) (ii), substitute the word "shall" for the word "may".

The clause as it stands reads thus —

"The Municipal Council *may*, with the sanction of Our Government exempt any local areas from the whole or a proportion of the water and drainage tax on the ground that such areas are not deriving benefit from the water supply or drainage system".

Instead of the word "may" I want to put in the word "shall". That is the purport of the amendment. The amendment is clear. By this clause it is intended after the water supply scheme is actually introduced, if there is any local area which does not derive the benefit

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of the scheme, the Municipal Council may exempt that area from the taxation. When the amendment is pressed, properly it will come to this. If, as a matter of fact, after the introduction of the water supply scheme there is any local area which has not derived any benefit from the scheme then that local area shall be exempt from taxation. The difference is very clear. That proceeds from the view point that there is no taxation without an opportunity to derive benefit out of this scheme. Many of the members on this side of the House were voicing forth the opinion that the Municipality of Trivandrum must bear the cost of the whole scheme because the scheme is going to benefit the Trivandrum Municipality exclusively. Then I asked this question; if any part of the area which does not derive the benefit why should that area be taxed. On the face of it, such taxation is very unjust. It is very reasonable on our part to compel the municipality or other body which may work out this scheme for supplying to that local area if there is a demand and to exempt that local area from the additional tax that will be imposed on account of the extension of the water supply scheme. This requires no more arguments. Under this existing Regulation, the municipality, according to their whims and fancies, by a publication in the *gazette* includes some portion of the taluk within the municipal area. The owners in those areas may have to pay all the existing taxes under the Municipal Regulation but they have absolutely no service by the municipality. There is no scavenging, no lighting, and no sweeping, but they are compelled to pay tax. Therefore the force of this amendment becomes all the more clear when we look at it in a particular way, *viz.*, that an area should be exempted from additional taxation which does not derive the benefit of that taxation. That is the object of this amendment. When we go on considering the Bill further, I have given some other amendments by which the citizens of a particular area in a particular municipality may compel the municipality to extend the scheme to that area. Here the Bill, as it is drafted, is defective in two ways. It does not give an obligation to the municipality to extend the scheme when people are willing to pay for it. On the other hand, even though there may not be this extension to an area where people demand it, the municipality has the right to tax the people of that area. That is an unsound thing. That explains the object of my amendment. With these words, I place the amendment before the House.

MR. RAMA VARMA RAJA (*Edavagai*): I Second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am afraid I cannot accept this amendment. I think it is more in the fitness of things that it should be left to the discretion of the municipality to take action in a fit case. Therefore it is better to have the word 'may'. Even if we put the word "shall", that may not serve the purpose that Mr. Nilakanta Pillai has in view. The municipality can only take action after getting the sanction of Government. Is it to be assumed that if the sanction has been applied for and obtained, the municipality will refuse to act? I think it is quite clear—

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : If the municipality recommended to the Government and obtained the sanction, it can very well go behind it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Will they refuse to act when they have got the sanction?

Without Government sanction the municipality cannot act. Let us substitute the word "shall". Even then, they cannot act without the sanction of the Government. If Government sanction is not given they cannot act. But whether the municipality will not ask for sanction in a fit case is a contingency that cannot be thought of.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Even if the Government approve of the recommendation of the municipality, it is left to them to tax or not to tax.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : But once the municipality thinks it necessary to act, then alone it will apply for sanction.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Is it intended that tax should be collected even from those areas to which water is not supplied?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) . It will be done according to the judgment of the municipality.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Could anybody compel the municipality to supply water under the law to any local area?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think they can be compelled to supply water to a house.

MR. A S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : May I know the reason why Government should empower the municipality to collect tax from those places?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The municipality may exempt the places with Government sanction. The object of this statutory provision is to enable the municipality to exempt certain areas if they think necessary.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) What I wish to know is whether there is any right to compel the municipality to supply water to particular places.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I draw the attention of the Law Member to the amendment which I have proposed and ask him whether the argument he has now put forward falls short?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is for the House to judge of my argument. When the water supply has commenced, and any particular area does not actually

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get water, that area may be exempted. But it must be remembered that the water supply is for the city as a whole. Therefore it is open to the Municipality to say on grounds of the interest of the citizens at large that they shall not exempt this local area.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : The general rule is that the whole city will be taxed although particular parts will not be supplied with water. Is that so?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is for the municipality to speak on the merits of each case whether a particular area will or will not be exempted. That is the case in all the municipalities.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I beg to make one observation on this point. The law does not enable a citizen of this town to get water whenever demanded. The general rule is whether water is supplied to a particular area or not, the municipality should impose a tax on the inhabitants of the whole city and if the municipality deems fit they could, with the sanction of Government, exempt that particular area from tax. I fear such a clause as exists now in the Bill could not be accepted in the intrerests of the general public.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Suppose the Government ask the municipality not to exempt a particular locality, has the municipality power not to obey Government orders?

MR A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : That is what I say. The inhabitants who do not derive any benefit will have to pay.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : So, is there any use in asking the Government to exempt?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I am opposing the clause as it is.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : In the absence of some amendment restricting the powers of Government or the municipality from not giving exemption, will the member object to the existence of that clause?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I am finding some difficulty in regard to that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): You can bring some amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I am just expressing the view in order that the House may come to a correct decision.

MR. J. S. WESTERDALE (*Chief Engineer*) : There are two reasons why I oppose the amendment. In the first place I have to point out that the words "deriving benefit" are not susceptible of exact definition. So long as there are water pipes, within a reasonable distance of any house that house may derive benefit from the water supply though the extent of the benefit may be a matter of opinion. So long as 'deriving

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[Mr. J. S. Westerdale.]

benefit' cannot be exactly defined, there should not be provision in the Bill for a definite right of exemption.

The other reason is this. A municipality is a corporate body and it should not be considered in separate units for the purpose of its water supply. One of the main purposes of the creation of a municipality is to enable property owners to co-operate and pay as a corporate body for works, such as water supply, which are of benefit to the town as a whole. There is however a limit to which a municipality can raise funds by taxation and it may not be possible to lay pipes in every road and lane in the town. There is no justification however, for granting exemption from water tax to any house, merely because a water pipe does not run past its front door, so long as the supply is of benefit to the town as a whole. In the case of Trivandrum, for example, it might be justifiable to tax the whole town for supplying a water supply to the congested area round the Chalai Bazaar and the Fort alone, if this would protect the town as a whole from epidemics of cholera and other water-borne diseases. In this case the House appears to be generally of the opinion that we are already spending too much on the Trivandrum Water Supply Scheme. If we extend it to every little lane it will only increase the cost of the scheme. Therefore I contend that in a municipality, ordinarily, everybody would pay for the benefit derived for the whole town. The only purpose of having this clause at all is to enable a municipality in exceptional cases to grant exemptions. Therefore I oppose the amendment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The Law Member said that even if the amendment is accepted the municipality cannot go behind the orders of Government. Anticipating such an argument from the Government, I have sent in another amendment to be added as sub-clause (iii). In case I succeed in passing that amendment as part of the Bill, then the objection now raised by the Law Member would disappear.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Whatever that be, the municipality has to obey the orders of Government.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I would draw the attention of the member that Section 6 begins with 'that the following shall be substituted'. Nowhere is mention made about the municipality obtaining the sanction of Government. Even the sub-section (1) which is proposed to be substituted does not mention about obtaining the sanction of Government beforehand. Now in sub-clause (ii) that is said. Therefore, I do not think that sanction of Government can be taken to apply to the whole Section. Definitely we enact a law to the effect that the municipality shall be compelled to supply water when there is any demand for it. If that becomes part of the clause then there is no doubt about the intention of the legislature. The legislature also wants a municipality not to levy tax in a locality which does not derive water. These two propositions go together. Therefore there is not much ambiguity about my present amendment. That has to be read along with the amendment that is to follow. Anyhow

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I think the House will be convinced of the reasonableness and equity of my amendment. Why should we enact a rule which says that all portions of the town be taxed whether it gets benefit or not. It is simply absurd to say that a portion which does not derive benefit from water supply should be taxed. If the House wants, let it pass a measure which says that a town or adjoining part of the town may be taxed for the supply of water to the town or a portion of the town.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Suppose there is demand for drainage from any section of the town? It is suggested in the amendment that "the Municipal Council shall not refuse water supply or drainage system to any locality ....where there is a clear demand for it."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That has to be understood with reference to the practical working of the water supply scheme that is when the main supply scheme is extended to an area where there is deficiency of water or where the existing water is useless.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Can any portion of the town demand water supply and drainage scheme together?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I would invite the attention of the member to clause 190 which says that sanction of Government must be obtained by a municipality if it wants to extend water supply. In the face of that fact, can my friend conclude otherwise?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I would refer my friend to Section 199 (2). It says that in any water supply scheme, Government is not to have complete control of the scheme.

PRESIDENT: Please confine your remarks to your amendment.

Therefore, in the circumstances, we can more or less imagine that the Government will hand over the control of the whole scheme to the municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, before you allow the House to vote on the subject I wish to get one point cleared from the Law Member. If that is cleared and if there is absolutely nothing for Government interference, surely all of us will vote for the amendment. If not, there is no use of voting.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As it is, Sir, all that is required is an authority for the municipal Council. It is expected that the municipalities will take care of the interests of the city. Therefore, unless the statute confers on them authority to exempt any place, they would not be able to exempt.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Can the municipality, of its own accord and without any reference to Government, extend the scheme to any local area, under the Bill?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That has nothing to do with this amendment. When the clause relating to that comes up, I will explain. Here, the point is whether the municipality should be merely given the *authority* to exempt or whether it should be put under an *obligation* to do so, under the statute.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Nilakanta Pillai has clearly stated that, in view of the fourth amendment which requires the municipality to obey the wishes of the inhabitants he is in order in opposing the third amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He is quite in order. But I am explaining first of all the unreasonableness of it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): My point is this. Can the Law Member tell me whether under the Bill, the municipality, without any reference to Government whatsoever, can extend the scheme to any local area?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkr Vakil*): So far as the Trivandrum Municipality is concerned they can do that with the sanction of the Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it so under the Bill?

Mr. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

PRESIDENT: The amendment before the House is to substitute the word "shall" for the word "*may*" so that the Section will read "*The Municipal Council shall with the sanction of our Government exempt any local area*"

The amendment was put to vote and lost.

Clause 3 was then put to vote and carried.

Clause was added to the Bill.

The Council adjourned at 4-50 p. m.

A. KUMARA PILLAI,
Secretary to the Legislative Council

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